

NATIONAL YOUTH DEVELOPMENT AGENCY BILL: PUBLIC HEARINGS

17 November 2008

1. South African Council of Churches – Youth Forum

- Business / corporate structure of the agency is problematic because it would compromise and undermine accountability of the agency to young people.
- Therefore, the proposed structure of the agency in the legislation should be changed to ensure that accountability to young people won't be compromised. In particular, the Board should be replaced by "Youth Executive Council".
- The legislation should make provision for an effective Portfolio Committee, which would continuously engage all the relevant youth focused stakeholders.

2. Azapo – Youth Desk

- As a matter of principle, we require the establishment of a stand-alone Youth Ministry.
- With regard to the proposed agency, it would not be prudent to have such an agency housed in the presidency because the presidency "has got too much on its plate".
- Instead, the agency should be housed within the Ministry of Sport and Recreation, which is the case / practice in other countries in the African continent. Hence, the President in the legislation should be replaced by the Minister. The agency may even be located within the Ministry of Social Development.

However, the difficulty is that the agency would have to deal with many issues, which would not necessarily fall within these ministries or departments, but in other ministries such as Education, Labour, Trade and Industry.

- The legislation should also make provision for educational development of young people.
- Without undermining the importance of economic development of young people, the legislation should make provision for moral development of the youth.

- Provision should be made in the legislation for accountability of the agency to young people.
- The Board of the agency should not have a responsibility to determine National Youth Policy. Instead, it should develop policy guidelines for the operation of the agency.
- Provisions relating to the appointment of the local coordinators should also cater for involvement of local structures of young people or organs of civil society.

3. **Democratic Alliance –Youth**

- We support both the idea and form of the agency as proposed in the legislation.
- In particular, the legislation must ensure that the agency would be able to implement.
- The agency should "be located within the Presidency for the purpose of oversight, regulation and monitoring", with the budget coming from the presidency.
- The agency "should be well capacitated to challenge or influence ... government departments to implement all youth policies at all levels of government.
- We are happy with the extent of the consultation process on this legislation and commend the committee for ensuring that consultation takes place.

However, the written submission indicates that: "There was no proper consultation. This process is pushed very fast as if something to hide... We therefore propose that this process be extended to end of January next..."

4. **Nehawu**

- The Board of the agency should be composed of provincial representatives, which means that each province should have a seat in the Board.
- The process of appointing the Chairperson and the Deputy Chairperson should be separated from the process of appointing members of the Board. In essence, this means that the Chairperson and Deputy

Chairperson would not be appointed from among the members of the Board.

- "Provincial boards" are not required and should, therefore, be removed from the legislation.

5. Northern Cape – Youth Commission

- Given the unitary character of the agency, no "provincial boards" are not required. Instead, the legislation should provide for provincial and local chapters of the agency.
- Cabinet should provide guidelines in terms of dealing with the transitional arrangements.
- There should be a separate Budget Vote for the agency, but under the Presidency.

6. MYBiCO

- In principle, we are not opposed to the agency, but have a problem with the proposed structure.
- While we support the establishment of the agency, we want the national Youth Commission and Umsobomvu Youth Fund retained. However, these institutions of youth development would have to fall under the agency.
- Instead of being scrapped, the Provincial Youth Commissions should be retained and be re-aligned with the national structures of youth development.
- With regard to the removal of the member/s of the Board, we recommend that two thirds of the Board should be required to remove members of the Board.

7. Umsobomvu

- The Fund is a company incorporated in terms of the companies laws of the country.
- Therefore, before it can be incorporated into the agency, the Fund would have to dissolved or wound up in terms of the company laws of the country.

We have to check legal implications of incorporating a company into an agency.

8. Moslem Judicial Council

- While supporting the legislation and its contents, we propose that the legislation should also make provision for spiritual development of young people.
- Religious and cultural values helping in the development of the moral fibre of society and economic processes should be informed by South African values.
- The agency should create and promote consciousness of volunteerism among the youth.

9. Eastern Cape – Youth Commission

- We would be very happy if there were provincial public hearings because that would bring the process closer to young people.
- Agencies are extensions of government and therefore are catalysts to ensure that effective implementation of government policies on various issues. Which means that the agency should exist to ensure that government policies and programmes on youth development are implemented.
- "Provincial boards" should be established, with the premier being involved in the process electing members of these boards.
- The representation to the "provincial boards" should take into account the number of districts in a province.

10. North West – Youth Commission

- We propose that the Board of the agency should be constituted by 15 directors, who shall serve on the board for a period not more than three (3) years.
- We do not support the establishment of the "provincial boards" and for this reason, we propose that the "provincial boards" be removed from the legislation.

- The agency should be established as a Schedule 3A (PFMA) entity which shall be located within the presidency, with a separate budget vote under the presidency.
- We understand that Parliament would have oversight responsibility over the agency. But, the legislation should make provision for an Annual Youth Summit as a way of making the agency directly accountable to young people.

11. Xoliseka Lali

- The legislation should create Youth Counseling Units to “deal with psychological issues that confronting young people in order to cope with their social problems...”
- We expect the agency to assist local youth structures with a view to promote and “strengthen public participation” of young people at local level.

12. Steven Nyembe

- Youth Ministry should be established, with the agency existing within the Ministry.
- The agency will have a responsibility to advise the Minister on issues of youth development.

Proposed Models

1. Retaining the National Youth Commission and Umsobomvu Youth Fund as they are, instead further strengthen the National Youth Commission with powers of championing and enforcing youth development programmes.
2. The National Youth Development Agency existing within the Presidency, a model proposed in the legislation.
3. Ministry of Youth Affairs, with the National Youth Development Agency existing within the Ministry to advise the Minister on issues of youth development.
4. The National Youth Development Agency existing within Ministry of Sport and Recreation.

5. The National Youth Development Agency existing within Ministry of Social Development.
6. The National Youth Development Agency existing, but retain the National Youth Commission, Umsobomvu Youth Fund and Provincial Youth Commissions to exist under the agency.