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ADHOC NYDA



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES SECTION
Joint Ad Hoc Committee for the appointment of NYDA Board

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AGENDA PROGRAMME

**JOINT AD HOC COMMITTEE ON NATIONAL YOUTH
DEVELOPMENT AGENCY (NYDA) BOARD**

Date: Tuesday, 20 March 2012

Venue: Goodhope Chambers

Time: 10h00 – 13h00

Item	Person
1. Opening and welcome	Mr M. Mkhize [] Unit Manager: Committee Services Support
2. Election of Co-Chairpersons	Mr. D. Arrends Committee Secretary
3. Consideration and adoption of	Co-Chairpersons

Item	Person
the Committee programme	
4. Announcements and Closing remarks	Co-Chairpersons
5. Closure	

Distributed documents:

- Copy of a procedural advice;
- Copy of a committee programme;
- Copy of Rules of National Assembly (extracts of rules 129, 131, 132 and 133);
- Copy of Rules of National Council of Provinces (extracts of rules 91, 93, and 96);
- Copy of Joint Rules of Parliament (extracts of rules 23, 24, 25, 27 and 140); and
- Copy of an advert on Sunday Times (dated 18 March 2012, page 15)

For additional information, please feel free to contact Committee Secretary; Darrin Arends at [redacted] or email to [redacted]@parliament.gov.za.



TO: Members of the Joint Ad Hoc Committee for the appointment of candidates to the National Youth Development Agency Board

DATE: 19 March 2012

RE: Election of Chairperson¹

FROM: Darrin Arends (Committee Secretary)

1. PURPOSE

The Joint Ad Hoc Committee for the appointment of candidates to the National Youth Development Agency Board will on Tuesday, 20 March 2012 hold its first meeting for the 2012 Parliamentary year, to elect co-chairpersons. What follows below, is an outline of the standard procedure and rules governing the election of a chairperson.

2. QUORUM

In terms of Assembly Rule 133, the majority (50%+1) of the members constitute a quorum. The joint ad hoc committee has 19 members, and 10 will constitute a quorum.

3. PROCESS

In terms of Joint Rule 140, a member of the Assembly Component of an ad hoc committee elected by that component and a member of the Council component elected by that component are the co-chairpersons of the committee.

The Committee Secretary calls for nominations and seconders.

3.1. If there is one nomination only from each component, that nomination must be seconded but no voting will take place. The person so nominated will be declared Chairperson of that component.

3.2. If there is more than one nomination from each component, the names of the nominees will be put to a vote by a show of hands. The nominee with the majority of votes will be declared chairperson of that component. Members will only be allowed to vote once.

4. POTENTIAL CHALLENGES

4.1. No quorum – meeting will have to be postponed until sufficient members are present (Members can be co-opted)

¹ Membership names were published in the ATC [No ??? -2012] of 16 March 2012.

4.2 Absence of representative of an opposition party - meeting will have to be postponed until at least one opposition party is represented (by House Chairperson's instruction)

5. CONCLUSION

The names of the Co - Chairperson elected will be published in the ATC.

PROPOSED PROGRAMME

PROPOSED**PROGRAMME OF THE JOINT AD HOC COMMITTEE ON
THE NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA) BOARD**

ACTIVITY	TARGET DATE
Prepare advert and send to Translators	20 February 2012
Request for quotes from Ayanda Mbanga	07 March 2012
Submit financial application for placing of advert	14 March 2012
Placing of Advert in national and relevant newspapers	16,17 & 18 March 2012
Deadline for submission of nominations to serve on NYDA Board	30 March 2012
Deadline for submission of nominations of members by Political parties to serve on the joint Ad Hoc Committee on NYDA	16 March 2012
Election of the co-Chairpersons of a Joint Ad-Hoc Committee on NYDA and adoption of the Committee Programme	20 March 2012
CONSTITUENCY PERIOD	20 March – 13 April 2012
Short-listing of nominees and invitations of shortlisted nominees for interviews.	Week beginning 16 – 20 April 2012
Interviews of short-listed nominees	Week beginning 23 – 24 April 2012
Publishing of Report on the Recommendations by the Joint Ad-Hoc Committee on the NYDA Board in the ATC	25 April 2012
Debate on the Report on the Recommendations by the Joint Ad-Hoc Committee on the NYDA Board	26 April 2012

**RULES OF THE NATIONAL ASSEMBLY
(6TH EDITION)**

125. Composition

- (1) Parties are entitled to be represented in committees in substantially the same proportion as the proportion in which they are represented in the Assembly, except where —
 - (a) these Rules prescribe the composition of the committee; or
 - (b) the number of members in the committee does not allow for all parties to be represented.

- (2) Subject to these Rules, the Joint Rules and decisions of the Rules Committee, and where practicable possible, each party is entitled to at least one representative in a committee.

[Subrule (2) substituted, 2 Sept 1999]

126. Appointment procedures

- (1) Unless these Rules provide otherwise the parties appoint the members of a committee and advise the Speaker accordingly.
- (2) The names of the members appointed must be published in the ATC without delay.

127. Alternates

- (1) Alternates may be appointed for one or more specific members of a committee.
- (2) An alternate acts as a member when the member for which the alternate was appointed —
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

128. Term of office

- (1) Members of a committee and alternates for members are appointed until the Assembly's term expires or the Assembly is dissolved, whichever occurs first.

- (2) A member of a committee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn.

129. Chairpersons

- (1) A committee must elect one of its members as the chairperson of the committee.
- (2) The chairperson of a committee, subject to the other provisions of these Rules and the directions of the committee —
 - (a) presides at meetings of the committee;
 - (b) may act in any matter on behalf of and in the best interest of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if that matter concerns —
 - (i) a request by a person to give evidence or make oral representations to the committee;
 - (ii) any other request to the committee; and
 - (iii) the initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers;
 - (c) performs the functions, tasks and duties and exercise the powers that the committee, resolutions of the Assembly and legislation may assign to the chairperson;
 - (d) in the event of an equality of votes on any question before the committee, must exercise a casting vote in addition to the chairperson's vote as a member.

- (3) The chairperson must report to the committee on any steps taken in terms of Subrule (2)(b).

130. Acting chairpersons

- (1) If the chairperson of a committee is absent or unable to perform the functions of chairperson, the committee may elect another of its members as acting chairperson.

- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

131. First meetings

- (1) The Secretary must call a meeting of a committee within five working days after the names of the members of the committee have been announced.
- (2) If the Assembly is in recess the Secretary must notify the members of the committee, the Chief Whip of the majority party and the most senior whip of each of the other parties, of the time and place of the meeting at least 14 days before the meeting.

132. Meetings

- (1) Committees meet whenever necessary and as determined in accordance with these Rules and the decisions, directives and guidelines of the Programme Committee.
- (2) A meeting of a committee may be called in terms of Subrule (1) —
(a) by the chairperson of the committee; or
(b) by resolution of the Assembly.

133. Quorum

- (1) A majority of the members of a committee constitutes a quorum, subject to Subrule (2).
- (2) A committee may proceed with business irrespective of the number of members present, but may decide a question only if a quorum is present.
- (3) When a committee has to decide a question and a quorum is not present, the member presiding may either suspend business until a quorum is present, or adjourn the meeting.

134. Co-option when members and alternates not available

If a member of a committee and that member's alternate are both absent from a meeting of the committee, the chairperson may co-opt any other Assembly member to act as a member of the committee until that committee member or the alternate member is no longer absent.

135. Interruption, suspension or adjournment

The member presiding at a meeting of a committee may interrupt or suspend the proceedings or adjourn the meeting, and may change the date for the resumption of business.

136. Charges against members

If any information charging an Assembly member comes before a committee, the committee may not proceed upon that information, but must report it to the Speaker without delay.

137. Reporting

- (1) committee must report to the Assembly on a matter referred to the committee —
(a) when the Assembly is to decide the matter in terms of these Rules, the Joint Rules, a resolution of the Assembly or legislation;
(b) if the committee has taken a decision on the matter, whether or not the Assembly is to decide the matter as contemplated in paragraph (a); or
(c) if the committee is unable to decide a matter referred to it for a report.
- (2) A committee must report to the Assembly on —
(a) all other decisions taken by it, except those decisions concerning its internal business; and
(b) its activities at least once per year.
- (3) A report of a committee —
(a) must be submitted to the Assembly by the chairperson or another member of the committee designated by the committee; and

**RULES OF THE NATIONAL COUNCIL OF
PROVINCES (8TH EDITION)**

Chairperson

91. (1) Unless these Rules provide otherwise in a specific case-
- (a) a committee must elect one of its members as the chairperson of the committee; and
 - (b) the parent committee of a subcommittee must appoint the chairperson of the subcommittee.
- (2) The chairperson of a committee or subcommittee, subject to the provisions of these Rules and the directions of the committee, or the parent committee in the case of a subcommittee --
- (a) presides at meetings of the committee or subcommittee;
 - (b) may act in any matter on behalf of and in the best interest of the committee or subcommittee when it is not practical to arrange a meeting of the committee or subcommittee to discuss that matter, if that matter concerns --
 - (i) a request by a person to give evidence or make oral representations to the committee or subcommittee;
 - (ii) any other request to the committee or subcommittee; and
 - (iii) the initiation of any steps or decisions necessary for the committee or subcommittee to perform its functions or exercise its powers; and
 - (c) performs the functions, tasks and duties and exercises the powers that legislation, resolutions of the Council and the committee, or the parent committee in the case of a subcommittee, assigns to the chairperson.

Acting chairperson

92. (1) If the chairperson of a committee or subcommittee is absent or unable to perform the functions of chairperson, the committee or subcommittee may elect another of its members as acting chairperson unless these Rules provide otherwise in a specific case.
- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

First meetings of committees

93. (1) The Secretary must call a meeting of a committee within five working days after the names of the members of the committee have been announced.

(2) If the Council is in recess the Secretary must notify the members of the committee, the Chief Whip of the Council and the most senior whip of each of the other parties, of the time and place of the meeting at least 10 working days before the meeting.

Meetings of Council committees and subcommittees

94. (1) Council committees and subcommittees meet whenever necessary and as determined in accordance with these Rules and the decisions and directives of the House Chairperson Committees-

- (a) acting within the guidelines of the Programme Committee; and
- (b) taking into account requests of committees to meet urgently or to meet jointly with Assembly committees.

(2) A meeting of a committee or subcommittee may be called in terms of subrule (1) –

- (a) by the chairperson of the committee;
- (b) by the Chairperson of the Council, if the chairperson of the committee is not available; or
- (c) by resolution of the Council.

(4) A meeting of a subcommittee may be called in terms of subrule (1) –

- (a) by the chairperson of the subcommittee; or
- (b) by the parent committee.

(5) When a meeting is called the members of the committee or subcommittee must –

- (a) be given notice of the venue and time of the meeting; and
- (b) be provided with all relevant documents, including an agenda or details of the purpose of the meeting.

(6) A meeting which has a section 76 agenda item must be called with at least 72 hours notice, except in an exceptional case and after the chairperson of the relevant committee has consulted with the delegation whips.

Meetings and functioning of committees and subcommittees

95. (1) The Chairperson of Committees is responsible for scheduling and co-ordinating meetings of all committees and subcommittees, and must for this purpose consult the committee chairpersons and the whips.

(2) The Chairperson of Committees, after having consulted the committee chairpersons and the whips, may issue directives and guidelines on -

- (a) the venues for committee and subcommittee meetings;
- (b) the scheduling and functioning of committees and subcommittees;
- (c) the control of funds for the functioning of committees and subcommittees.

Quorums and decisions

96. (1) A committee may proceed with business irrespective of the number of members present, but, when a question is to be decided, members representing at least five provinces must be present.

(2) A question is decided by a supporting vote of at least five provinces or, if it is a constitutional amendment, at least six provinces

(3) Subrules (1) and (2) do not apply to select committees.

Order in meetings

97. Rules 32, 33, 36, 41, 46 and 48, adjusted as may be necessary in the context, apply to meetings of committees and subcommittees.

Attendance by members

98. A person loses membership of a committee or subcommittee if -

- (a) that person is absent from three consecutive meetings of the committee or subcommittee without the leave of the chairperson of the committee or subcommittee; and
- (b) in the opinion of the Chairperson of the Council, that person did not have good reasons to be absent from the meetings.

Charges against members

99. If any information charging a Council member comes before a committee, the committee may not proceed upon that information, but must report it to the Chairperson of the Council without delay.

**JOINT RULES OF PARLIAMENT
(4TH EDITION)**

- (b) if a whip of the provincial delegation to which that member or alternate belongs, in the case of a Council member representing a province in a committee, gives notice to the Chairperson of the Council, in writing, that the member or alternate is to be replaced or withdrawn.

Chairpersons

23. (1) If a joint committee has co-chairpersons, the co-chairpersons must co-chair meetings of the committee except when one of them takes the chair by agreement between them. If a committee has a single chairperson, that person must chair meetings of the committee.

(2) The co-chairpersons or the chairperson of a joint committee, as the case may be -

(a) may act in any matter on behalf of and in the best interests of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if that matter concerns —

- (i) a request by a person to give evidence or make oral representations to the committee;
- (ii) any other request to the committee; and
- (iii) the initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers; and

(b) perform the functions, tasks and duties and exercise the powers that the committee, resolutions adopted by both the Assembly and the Council or legislation may assign to the co-chairpersons.

(3) The co-chairpersons or chairperson of a joint committee must report to the committee on any steps taken in terms of subrule (2).

(4) (a) If a joint committee has a single chairperson, the chairperson, in the event of an equality of votes on any question before the committee, must exercise a casting vote in addition to the chairperson's vote as a member.

(b) If a joint committee consists of House components and decides questions before it by way of agreement between the majorities in the respective components, the co-chairperson of the committee appointed from a component, in the event of an equality of votes on any question before the component, must exercise a casting vote in addition to that person's vote as a member.

(5) The co-chairpersons or the chairperson of a joint committee, as the case may be, perform the functions set out in subrules (1) and (2) subject to the other provisions of the Joint Rules and the directions of the committee.

Acting chairpersons

24. (1) If a joint committee has co-chairpersons and one of the co-chairpersons is absent or unable to perform the functions of co-chairperson, the relevant component of the committee may elect another of its members as acting co-chairperson to perform the functions and exercise the powers of that co-chairperson.

(2) If a joint committee has a single chairperson and that chairperson is absent or unable to perform the functions of the chairperson, the deputy chairperson acts as chairperson to perform the functions and exercise the powers of the chairperson.

First meetings

25. (1) The Secretary must call a meeting of a joint committee within five working days after the names of the committee members have been announced in the ATC.

(2) If both or either of the Houses are in recess the Secretary must notify the members of the committee, the Chief Whip of the majority party and the most senior whip of each of the other parties in the Assembly and the Chief Whip of, and the delegation whips in, the Council, of the time and place of the meeting at least 14 days before the meeting.

Meetings

26. (1) Joint committees meet whenever necessary and as determined in accordance with the Joint Rules and the decisions, directives and guidelines of the Joint Programme Committee.
- (2) A meeting of a joint committee may be called in terms of subrule (1) by -
- (a) the chairperson or co-chairpersons of the joint committee; or
 - (b) the Joint Rules Committee.
- (3) If one of the co-chairpersons of a joint committee is not available, the other co-chairperson may call a meeting of the committee.

Matters relating to quorum and decisions

27. (1) A joint committee may proceed with business irrespective of the number of members present.
- (2) When a joint committee has to decide a question and the number of members present is insufficient for a decision to be taken, the member or members presiding may either suspend business until a sufficient number of members is present, or adjourn the meeting.
- (3) If a joint committee consists of House components and decides questions before it by way of agreement between the majorities in the respective components subrule (2) applies also to such a component when the number of members in that component who are present at the meeting, is insufficient for a decision to be taken by the component.

Co-option when members and alternates not available

28. If a member of a joint committee and that member's alternate are both absent from a meeting of the committee, the chairperson or co-chairpersons may co-opt any other Assembly or Council member, as may be appropriate, to act as a member of the committee until that committee member or the alternate member is no longer absent.

Interruption, suspension or adjournment

29. The member or members presiding at a meeting of a joint committee may interrupt or suspend the proceedings or adjourn the meeting, and may change the date for the resumption of business.

Charges against members

30. If any information charging an Assembly or Council member comes before a joint committee, the committee may not proceed upon that information, but must report it without delay to the Speaker or the Chairperson of the Council, as may be appropriate.

Reporting to Houses

31. (1) A joint committee must report to both Houses on a matter referred to the committee-
- (a) when the Houses are to decide the matter in terms of-
 - (i) the Joint Rules;
 - (ii) the respective House Rules;
 - (iii) a resolution adopted in both Houses; or
 - (iv) legislation;
 - (b) if the committee has taken a decision on the matter, whether or not the Houses are to decide the matter as contemplated in paragraph (a); or
 - (c) if the committee is unable to decide a matter referred to it for a report.
- (2) A joint committee must report to both Houses on —
- (a) all other decisions taken by it, except those decisions concerning its internal business; and
 - (b) its activities at least once per year.
- (3) A report of a joint committee -

Part 14: Ad Hoc Joint Committees

Establishment

138. (1) An *ad hoc* joint committee may be established for the performance of any specific task —

- (a) by resolution adopted in both Houses; or
- (b) if both or any of the Houses are in recess, by decision of the Speaker and the Chairperson of the Council, acting jointly after consulting the Chief Whip of the majority party in the Assembly and the Chief Whip of the majority party in the Council.

(2) The resolution or decision establishing an *ad hoc* committee must include time frames for —

- (a) the completion of any steps in performing the task for which the committee was established; and
- (b) the completion of the task;

(3) An *ad hoc* joint committee has those of the powers listed in joint rule 32 only as are specified in the resolution or decision.

(4) Any decision by the Speaker and the Chairperson of the Council to appoint an *ad hoc* committee in terms of subrule (1) (b) must —

- (a) be tabled in the Houses for ratification by the Houses; and
- (b) be tabled in a House on its first sitting day after the decision was taken.

(5) An *ad hoc* joint committee ceases to exist —

- (a) when it has completed the task for which it was established;
- (b) when the date for completion of the task has expired; or
- (c) if it is dissolved by the Houses earlier.

Composition

139. (1) The resolutions establishing an *ad hoc* joint committee must specify either the names of the committee members or the number of committee members from each House.

(2) If the resolutions specify only the number of committee members from each House —

- (a) the Speaker must appoint the Assembly members who are to serve on the committee; and
- (b) the Chairperson of the Council must appoint the Council members who are to serve on the committee.

Chairpersons

140. A member of the Assembly component of an *ad hoc* committee elected by that component and a member of the Council component elected by that component are the co-chairpersons of the committee.

Decisions

141. Except when the resolutions establishing an *ad hoc* joint committee provide otherwise, a question before the *ad hoc* committee is decided when there is agreement on the question between —

- (a) the Assembly component; by a vote taken in terms of the Assembly rules applicable to portfolio committees; and
- (b) the Council component, by a vote taken in terms of the Council rules applicable to select committees.

Part 15: Joint committees appointed by Assembly and Council resolution

Establishment

142. The Assembly and the Council may by resolutions adopted in the Assembly and the Council establish any joint committee.

Composition

143. (1) The resolutions establishing the joint committee must specify either the names of the committee members or the number of committee members from each House.

ADVERTISEMENT



INVITATION OF NOMINATIONS FOR PERSONS TO SERVE ON THE BOARD OF THE NATIONAL YOUTH DEVELOPMENT AGENCY

The Joint Ad Hoc Committee on the National Youth Development Agency hereby invites nominations from individuals, organisations, institutions and civil society for suitable persons to be appointed as Members of the Board of the National Youth Development Agency.

The Board is established in terms of the National Youth Development Agency Act (54 of 2008) and consists of seven members. Its functions are to manage the affairs of the National Youth Development Agency and exercise control over its powers and the execution of its functions. Members of the Board hold office for a period of three (3) years.

The nominee must:

- be a South African citizen;
- comply with any other requirements prescribed by national legislation, in particular the National Youth Development Agency Act, 2008; and
- possess suitable qualifications, expertise and experience in the area of youth.

Nominations must contain the full name and address of the person/organisation making the nomination, a signed acceptance of the nomination and Curriculum Vitae providing the candidate's:

- Full name, identity document (ID) number and gender;
- Address and, telephone and fax numbers;
- Previous experience, quoting dates and organisations concerned; and
- Academic qualifications.

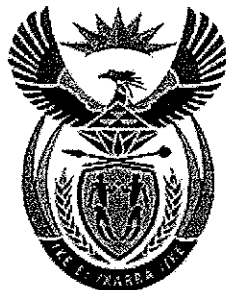
The closing date for submission of nominations is 30 March 2012 at 12:00 noon.

Enquiries and submissions should be addressed to: Mr D. Arends, Parliament of RSA, PO Box 15, Cape Town 8000. Contact details are tel: 021 403 8105, cell: 071 363 2273, fax: 021 403 3942, email: daarends@parliament.gov.za

Issued by the Secretary to Parliament of the Republic of South Africa, Mr Z.A. Dingani.

Parliament. Making Democracy Work.

**NATIONAL YOUTH DEVELOPMENT
AGENCY ACT, 2008**



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 523 Cape Town

8 January 2009

No. 31780

THE PRESIDENCY

No. 13

8 January 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 54 of 2008: National Youth Development Agency Act, 2008.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(English text signed by the President.)
(Assented to 23 December 2008.)*

ACT

To provide for the establishment of the National Youth Development Agency aimed at creating and promoting coordination in youth development matters; to provide for the objects and functions of the Agency; to provide for the manner in which it is to be managed and governed; to provide for the regulation of its staff matters and financial affairs; to provide for the administration of the fund referred to in the Demutualisation Levy Act, 1998 by the Agency under a new name; to repeal the National Youth Commission Act, 1996; and to provide for matters connected therewith.

Preamble

RECOGNISING the heroic struggles of generations of the youth to bring about freedom and democracy in South Africa;

AND SINCE youth development is central in the reconstruction and development of South Africa;

AND WHEREAS the government must take reasonable measures, within its available resources, to achieve progressive development of South Africa's youth;

AND WHEREAS the interventions on youth development in South Africa must be implemented in a cohesive, seamless and integrated manner;

THEREFORE the spirit and form of the National Youth Development Agency must give resonance to youth development in South Africa.

BE IT THEREFORE ENACTED by Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

1.	Definitions	
2.	Establishment of the Agency	5
3.	Objects of the Agency	
4.	Principles of youth development	
5.	Functions of the Agency	
6.	Reporting by the Agency	
7.	Role of organs of state, companies and civil society organisations in youth development	10
8.	Control and management of affairs of Agency	
9.	Composition, appointment and conditions of service of the Board	
10.	Disqualification, removal from office and resignation of director of Board	
11.	Meetings of Board	15

Act No. 54, 2008

NATIONAL YOUTH DEVELOPMENT
AGENCY ACT, 2008

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| 12. Committees of Board | |
| 13. Appointment of Chief Executive Officer | |
| 14. Employment contract and performance agreement of Chief Executive Officer | |
| 15. Duties of Chief Executive Officer | |
| 16. Appointment of staff | 5 |
| 17. Delegation and assignment | |
| 18. Funding and investments | |
| 19. Regulations | |
| 20. Judicial management and liquidation of Agency | |
| 21. Transitional provisions | 10 |
| 22. Repeal of laws | |
| 23. Short title and commencement | |

Definitions

1. In this Act, unless the context otherwise indicates—
- | | |
|---|----|
| “Agency” means the National Youth Development Agency established by section 2; | 15 |
| “Board” means the Board of the Agency referred to in section 8; | |
| “organ of state” has the meaning assigned in 239 of the Constitution of the Republic of South Africa, 1996; | |
| “Integrated Youth Development Strategy” means the Integrated Youth Development Strategy for South Africa referred to in section 3(a); | 20 |
| “financial year” means the period from 1 April in any year to 31 March in the next year; | |
| “members” means members of the Board appointed in terms of section 9; | |
| “prescribed” means prescribed by regulation in terms of section 19; | 25 |
| “Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); | |
| “regulation” means any regulation made in terms of section 19; | |
| “this Act” includes any regulation promulgated in terms of this Act; | |
| “Umsobomvu Fund” means the Umsobomvu Fund as referred to in the Demutualisation Levy Act, 1998 (Act No. 50 of 1998); | 30 |
| “Umsobomvu Youth Fund” means the section 21 company established in 2001 and funded from proceeds of the Demutualisation Levy Act, 1998; and | |
| “youth” means persons between the ages of 14 and 35. | |

Establishment of Agency 35

2. (1) A juristic person to be known as the National Youth Development Agency is hereby established.

(2) The Agency is a national public entity as defined in section 1 of the Public Finance Management Act.

Objects of Agency 40

3. (1) The objects of the Agency are to—
- | | |
|--|----|
| (a) develop an Integrated Youth Development Plan and Strategy for South Africa; | |
| (b) develop guidelines for the implementation of an integrated national youth development policy and make recommendations to the President; | |
| (c) initiate, design, co-ordinate, evaluate and monitor all programmes aimed at integrating the youth into the economy and society in general; | 45 |

Act No. 54, 2008

NATIONAL YOUTH DEVELOPMENT
AGENCY ACT, 2008

- (d) guide efforts and facilitate economic participation and empowerment, and achievement of education and training;
- (e) partner and assist organs of state, the private sector and non-governmental organisations and community based organisations on initiatives directed at attainment of employment and skills development; 5
- (f) initiate programmes directed at poverty alleviation, urban and rural development and the combating of crime, substance abuse and social decay amongst youth;
- (g) establish annual national priority programmes in respect of youth development; 10
- (h) promote a uniform approach by all organs of state, the private sector and non-governmental organisations, to matters relating to or involving youth development ; and
- (i) endeavour to promote the interest generally of the youth, particularly young people with disabilities. 15

(2) Nothing contained in this Act precludes the Agency from directly implementing any programme or intervention aimed at advancing its objects in terms of this Act.

Principles of youth development

4. Youth development interventions and programmes must be guided by the following principles: 20

- (a) recognition of the manner in which youth has been affected by the imbalances of the past and the need to redress these imbalances through more equitable policies, programmes and the allocation of resources; 20
- (b) promotion of equal opportunity and equal treatment of youth and the promotion of a gender-inclusive approach to the development of youth, where the social influences of gender, disability, the impact of sexism and the particular circumstances of young women are recognised; 25
- (c) creation of an environment which supports the continued development and learning of youth;
- (d) promotion of youth's participation in— 30
 - (i) democratic processes;
 - (ii) community and civic decision-making; and
 - (iii) development at all levels;
- (e) recognition of youth development as an important mandate;
- (f) responsiveness to the needs, aspirations and challenges of youth in a realistic and participatory manner; 35
- (g) recognition of the importance of cultural and spiritual diversity as a basis for youth development;
- (h) promotion of the value of sustainability in order to ensure that the needs of youth are met without compromising the ability of future generations to meet their own needs; 40
- (i) recognition in youth development initiatives of the peculiar needs of rural youth; and
- (j) transparency, accountability and accessibility.

Functions of Agency 45

5. (1) The Agency must, in order to achieve its objects,—

- (a) establish competencies and capabilities in its operations including the following functional areas— 50
 - (i) National Youth Service and Social Cohesion;
 - (ii) Economic Participation;
 - (iii) Policy, Research and Development;
 - (iv) Governance, Training and Development;
 - (v) Youth Advisory and Information Services; and

Act No. 54, 2008

NATIONAL YOUTH DEVELOPMENT
AGENCY ACT, 2008

- (vi) National Youth Fund;
- (b) establish offices of the Agency at provincial and local levels and appoint the necessary personnel to those offices.
- (2) The Agency may, in order to achieve its objects,—
- (a) carry out or cause to be carried out any investigation that it deems necessary; 5
- (b) consider such recommendations, suggestions and requests concerning youth affairs as it may receive from any source; or
- (c) conduct or cause to be conducted such research as it may deem necessary.
- (3) The Agency must manage and administer Umsobomvu Fund.
- (4) The Agency must, for purposes of subsection (3) and within its available 10 resources, amongst others—
- (a) provide career guidance services;
- (b) provide access to information regarding products and services of the National Youth Fund;
- (c) create and administer databases of employment opportunities; 15
- (d) provide financial assistance to youths to enable them to further their careers;
- (e) provide financial assistance to small, micro and medium enterprises, and cooperatives owned by youth;
- (f) provide mentoring services aimed at empowering youths in the economy;
- (g) provide bridging programmes for youths to facilitate the transition from 20 school or training to the work environment;
- (h) provide training regarding the concepts and principles of entrepreneurship and business to youths;
- (i) provide training relating to the personal development of youths;
- (j) provide training and guidance relating to the establishing and managing of 25 businesses for youths;
- (k) provide training for unemployed youths to enhance their life and professional skills which would enable them to be integrated into the economy;
- (l) provide opportunities for training, that will promote service to communities and the nation at large; and 30
- (m) provide such other services as may be necessary to achieve the aim contemplated in subsection (3).

Reporting by Agency

6. (1) The Agency must, every three (3) years, submit to the President a report on the status of youth. 35
- (2) The Agency must annually submit to the President a report on—
- (i) the progress on the implementation of this Act;
- (ii) the financial status of the Agency; and
- (iii) any other matter relating to youth development.
- (3) The President must table the report referred to in subsection (1) in Parliament 40 within a reasonable time.

Role of Organs of State, Companies and Civil Society organisations in Youth Development

7. (1) Organs of state must—
- (a) take national priorities in respect of youth development into account in 45 planning their activities; and
- (b) submit, in the prescribed manner, annual reports to the Agency regarding their implementation of youth development priorities.
- (2) The Agency must publish a report after it has been tabled in Parliament.

(3) The Agency must lobby companies and close corporations which employ more than twenty (20) employees, and civil society organisations to implement youth development priorities established by it.

Control and management of affairs of Agency

8. The affairs of the Agency must be managed by the Board, which must— 5
- (a) determine the operational policy of the Agency; and
 - (b) exercise control generally over the exercise of its powers and the execution of its functions.

Composition, appointment and conditions of service of the Board

9. (1) The Board consists of— 10
- (a) seven members, two (2) of whom are executive directors; and
 - (b) the Chief Executive Officer, who is an ex-officio member of the Board without voting rights.
- (2) Members must be appointed by the President on the recommendation of Parliament. 15
- (3) Members must be appointed in a manner ensuring—
- (a) participation by youth in the nomination process;
 - (b) transparency and openness; and
 - (c) that a short-list of candidates for appointment is published.
- (4) Members must reflect the demographics and geographical spread of the Republic. 20
- (5) (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 in subsection (1). 20
- (b) Members who are not executive directors serve on a part-time basis.
- (6) Members hold office for a period of three (3) years. 25
- (7) The deputy chairperson must, when the chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, perform any function of the chairperson.
- (8) The President must publish the appointment of a member in the *Government Gazette*. 30
- (9) A member appointed to fill a vacancy holds office for the unexpired portion of the term of the member he or she replaces.
- (10) The conditions of service of members are determined by the President in consultation with the Minister of Finance.
- (11) Members who are employed by an organ of state are not entitled to remuneration, 35 or any allowance, but must be reimbursed for out-of-pocket expenses by the Board.

Disqualification, removal from office and resignation of members

10. (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 convicted and imprisoned without the option of a fine, or 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; 40
 - (c) has, as a result of improper conduct, been removed from an office of trust; or 45
 - (d) has been declared by a court to be mentally ill or unfit.
- (2) The President may, on recommendation of the Parliament, remove a member from office if the member—
- (a) commits a misconduct;
 - (b) is unable to perform his or her duties efficiently; 50

(c) is absence from three (3) consecutive meetings of the Board without permission of the Board or good cause;

(d) becomes disqualified as contemplated in subsection (1).

(3) A member may resign by giving thirty (30) days notice in writing to the Chairperson of the Board. 5

(4) The President may suspend a member from office any time after the start of the proceedings of Parliament for the removal of a member.

Meetings of Board

11. (1) The Board must meet at least four times a year at such times and places as the Chairperson may determine. 10

(2) The Chairperson may, on two (2) days notice, call a special meeting of the Board, which must be held at such time and place as he or she may direct.

(3) A decision of the Board must be taken by resolution of the majority of the members present, and in the event of an equality of votes, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote. 15

(4) A quorum is constituted by four (4) members, which must include the Chairperson or the Deputy Chairperson.

(5) A member must act impartially, in good faith and without fear, favour or prejudice and is subject only to the Constitution and law.

(6) If a member has, in relation to a matter to be considered at a meeting of the Board, any interest which precludes that member from acting in a fair, unbiased and proper manner, the member may not— 20

(a) participate in that meeting of the Board; or

(b) be present at the venue where the meeting is held.

(7) If, during the course of any proceedings of the Board, there is reason to believe that a member has any interest contemplated in subsection (6), that member must immediately disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members to discuss the matter and determine whether that member may be allowed to participate in the proceedings. 25

(8) The disclosure and the decision taken by the remaining members, must be recorded in the minutes of the proceedings in question. 30

Committees of Board

12. (1) The Board may establish Committees, including the:

(a) Executive Management Committee;

(b) Credit Risk Committee; 35

(c) Human Resource and Remuneration Committee;

(d) Audit Committee, in accordance with Treasury guidelines regarding the formation of Audit Committees as provided for in section 77 of the PFMA; and

(e) Development Committee 40

to assist in the performance of its functions.

(2) The Board must determine the composition, rules and procedures of committees established in terms of this section.

(3) The Board may invite persons who are not members of the Board to serve on any of its committees, but such persons may not be appointed as chairpersons of such committees. 45

(4) The Board may dissolve or reconstitute a committee as is necessary.

(5) Any decision taken by a committee established under this section must be ratified by the Board.

Appointment of Chief Executive Officer 50

13. (1) The Board must appoint a suitably qualified person as the Chief Executive Officer.

(2) The Chief Executive Officer is an employee of the Agency and is accountable to the Board.

- (3) The Chief Executive Officer must—
- (a) ensure that the functions of the Agency in terms of this Act are performed;
 - (b) report to the Board on the proper functioning of the Agency; and
 - (c) complete a report on the activities of the Agency for each financial year in accordance with the Public Finance Management Act and submit the report to the Board for approval. 5
- (4) The Chief Executive Officer holds office for an agreed term not exceeding five years and may be reappointed upon the expiry of that term of office.
- (5) If the Chief Executive Officer is unable to fulfil his or her functions, the Board must appoint an acting Chief Executive Officer to perform the functions of the Chief Executive Officer until the Chief Executive Officer resumes his or her duties or a new Chief Executive Officer is appointed. 10

Employment contract and performance agreement of Chief Executive Officer

14. (1) The Board must conclude a written performance agreement with the Chief Executive Officer— 15
- (a) within a reasonable time after the appointment of the Chief Executive Officer; and
 - (b) thereafter, annually within one month of the commencement of each financial year.
- (2) The performance agreement must include— 20
- (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
 - (b) standards and procedures for evaluating performance and intervals for evaluation; and 25
 - (c) the consequences of substandard performance.
- (3) The employment contract of the Chief Executive Officer must incorporate in an appropriate form, section 57 of the Public Finance Management Act.

Duties of Chief Executive Officer

15. The Chief Executive Officer is responsible for, amongst others: 30
- (a) exercising an appropriate level of leadership for the organization;
 - (b) effectively communicating a vision, management philosophy, and business strategy to the Agency's employees;
 - (c) the general and active management of the business affairs of the Agency;
 - (d) the general supervision and direction of all other officials of the Agency; 35
 - (e) developing and recommending to the Board a sound long-term strategy for the Agency that meets the needs of the Agency, government, communities, employees, and other stakeholders;
 - (f) ensuring that the strategies of the Agency are effectively implemented with timely progress towards strategic objectives; 40
 - (g) obtaining and allocating resources consistent with strategic objectives and making timely adjustments in strategies when market conditions and other forces demand a change;
 - (h) carrying out a comprehensive budgeting process and monitoring the Agency's financial performance against the budget; 45
 - (i) submitting annual reports, financial statements and financial position of the Agency to the Board; and
 - (j) developing an annual strategic plan and budget in accordance with the Public Finance Management Act.

Appointment of staff

16. (1) The Chief Executive Officer must—

- (a) in consultation with the Board, appoint executive managers of the Agency, which may include a Chief Operations Officer and a Chief Financial Officer; and
- (b) appoint staff to assist the Agency in carrying out its functions.

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(2) The Board must in consultation with the Minister of Finance approve the remuneration, allowances, benefits and other terms and conditions of appointment of members of staff.

Delegation and assignment

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17. (1) The Board may delegate any of its powers or assign any of its duties to the Chief Executive Officer or any employee of the Agency.

(2) The Chief Executive Officer may delegate any power or assign any duty conferred or imposed upon the Chief Executive Officer by or under this Act to—

- (a) any other employee of the Agency with appropriate knowledge and experience; or
- (b) any other person, after consulting the Board.

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(3) A delegation or assignment under subsections (1) and (2) must be in writing and—

- (a) may be subject to any conditions determined by the Board or the Chief Executive Officer;
- (b) does not prevent the exercise of that power or the performance of that duty by the Board or the Chief Executive Officer; and
- (c) may be withdrawn or amended by the Board or the Chief Executive Officer.

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(4) A delegation by the Board of any of the powers entrusted or delegated to it in terms of the Public Finance Management Act must be in accordance with section 56 of that Act.

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Funding and investments

18. (1) The funds of the Agency consist of—

- (a) money received from the Umsobomvu Fund in terms of the Demutualisation Levy Act;
- (b) money appropriated by Parliament for that purpose;
- (c) interest on investments of the Agency;
- (d) money lawfully received from any other source; and
- (e) donations and contributions lawfully received by the Agency from any other source.

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(2) The Agency may invest any of its funds not immediately required—

- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and
- (b) in such manner as may be approved by the Minister of Finance.

Regulations

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19. The President may, after consultation with the Board, make regulations regarding—

- (a) any matter which in terms of this Act may or must be prescribed;
- (b) any action in order to promote compliance with this Act; and
- (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

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Judicial management and liquidation of Agency

20. Despite the provisions of any other law, the Agency may not be placed under judicial management or in liquidation except if authorised by an Act of Parliament adopted specially for that purpose.

Transitional provisions

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21. (1) In order to effect the transitional arrangements envisaged in this section, representations must be made to the Minister of Finance for the dissolution of Umsobomvu Youth Fund as a section 21 company in terms of the Companies Act, 1973 (Act No. 61 of 1973) and the classification of the Agency as a public entity.

(2) As soon as possible after this Act takes effect the President must, in consultation with the Minister of Finance,—

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(a) transfer the assets, rights, obligations and liabilities of Umsobomvu Youth Fund and the National Youth Commission to the Agency; and

(b) subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), transfer staff of Umsobomvu Youth Fund and the National Youth Commission to the Agency.

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(3) A person transferred to the Agency remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the transfer date.

(4) Any proceedings pending against such person immediately before the transfer date must be disposed of as if that person had not been transferred.

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(5) For purposes of Income Tax, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when employment is taken up at the Agency by a person contemplated in subsection (1).

(6) The Registrar of Deeds must make the necessary entries and endorsement for the transfer of any property in terms of subsection (1) and no office fee or any other charge is payable in respect of that entry or endorsement.

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(7) This Act does not affect the validity of any transaction, project, business deal and programmes which were already undertaken or pending by Umsobomvu Youth Fund and National Youth Commission before the fixed date.

(8) The operations of Umsobomvu Youth Fund and the National Youth Commission must be dealt with as if this Act had at all times been in force.

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(9) In order to implement this Act, the President must on the recommendation of Parliament appoint a task team of consultants to perform joint audits in respect of personnel, budgets, finances, information management and equipment of Umsobomvu Youth Fund and National Youth Commission.

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(10) The President must report to Parliament on the progress of the task team.

Repeal of laws

22. Subject to section 21, the National Youth Commission Act, 1996 (Act No. 19 of 1996), and the National Youth Commission Amendment Act, 2000 (Act No. 19 of 2000), are hereby repealed.

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Short title and commencement

23. This Act is called the National Youth Development Agency Act, 2008, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.