



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

# Provincial Gazette Igazethi Yephondo Provinsiale Koerant

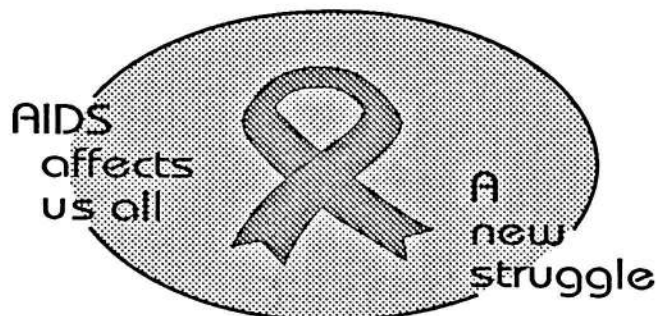
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Vol. 8

BISHO/  
KING WILLIAM'S TOWN, 2 MARCH 2001

**No. 723**  
(Extraordinary)

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPUNE**

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DEPARTMENT OF HEALTH

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## PROVINCIAL NOTICE

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No. 6

2 March 2001

### PROVINCE OF THE EASTERN CAPE

#### OFFICE OF THE PREMIER

#### **PUBLICATION OF PROMOTION OF YOUTH AFFAIRS AMENDMENT BILL, 2001**

The above-mentioned Bill is hereby published for public comments. Interested parties are requested to submit their comments not later than 7 days from the date of publication hereof, to the Director-General, Private Bag X0047, Bisho, 5608.

**PROVINCE OF THE EASTERN CAPE**

**PROMOTION OF YOUTH AFFAIRS AMENDMENT BILL,  
2001**

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*As Introduced*

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**(BY THE PREMIER OF THE PROVINCE OF THE  
EASTERN CAPE)**

**GENERAL EXPLANATORY NOTE:**

[                      ]                      Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_                      Words underlined with a solid line indicate insertions in existing enactments.

**BILL**

To amend the Promotion of Youth Affairs Act, 1995; to provide for the establishment of youth development structures; to provide for co-operation between the Youth Commission and youth development structures; to provide for the appointment of a chief executive officer; to revise the powers and functions of the Commission; and to provide for matters connected therewith.

**BE IT ENACTED** by the Legislature of the Province of the Eastern Cape, as follows:-

***Amendment of section 1 of Act 6 of 1995***

1. Section 1 of the Promotion of Youth Affairs Act, 1995 (Act No. 6 of 1995) (hereinafter referred to as the "principal Act") is hereby amended by the insertion before the definition of "Commission" of the following definition:

"Chief executive officer' means the administrative head of the Commission;"

***Substitution of section 2 of Act 6 of 1995***

2. The following section is hereby substituted for section 2 of the principal Act:

***"Establishment and constitution of Commission***

2. (1) There is hereby established a Commission to be known as the Eastern Cape Youth Commission, which shall exercise such power as may be conferred, and perform such functions and duties as may be imposed, upon it by or under this Act or any other law.

- (2) (a) The Commission shall consists of [12] three full-time members.
- (b) The members of the Commission shall be appointed by the Premier from [-youth selected from] a nomination list put forward by the youth of the Province, [; and (ii) such other category or categories as he or she may determine.]
- (c) The Premier shall designate [two of the members as chairperson and deputy chairperson, respectively] one member as chairperson of the Commission.
- (d) The chairperson shall serve as a link, for the purposes of cooperation, between the National and Provincial Commissions, between such Commissions, other youth structures and institutions existing in the Province.

[(3) Members of the Commission shall be referred to as commissioner.]

[(4) The Commission shall, in respect of the exercise and performance of its powers, functions and duties, be accountable, through the Premier, to the Legislature and shall also be accountable to the youth of the Province.] (3) The Commission shall, in respect of the exercise and performance of its powers, functions and duties, be accountable [through the Premier,] to the Legislature, and shall also be accountable, through any form of consultative youth oriented forum of the civil society and any other mechanism determined by the Commission, to the youth of the Province."

*Amendment of section 3 of Act 6 of 1995*

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A member of the Commission shall be appointed for a period of 5 years subject to such conditions as the Premier may determine" . [ and in making such

appointments the Premier may determine which commissioners shall serve full-time and which commissioners shall serve part-time.]

*Substitution of sections 4, 5 and 6 of Act 6 of 1995*

4. The following sections are hereby substituted for sections 4, 5 and 6 of the principal Act:

**"Establishment of youth development structures**

4. (1) The Premier may by notice in the Provincial Gazette, for the purposes of this Act, upon request by a local authority –

(a) establish a youth development structure that may be in the form of a unit located in the mayor's office of the relevant local authority with such administrative and financial support as may be necessary; and

(b) amend or withdraw the notice contemplated in paragraph (a).

(2) The Commission may, subject to the provisions of this Act, in consultation with the Member of the Executive Council responsible for local government, assign to a local youth development structure some of the functions and duties imposed on the Commission by this Act.

**Code of Conduct and meetings of Commission**

5. (1) The Commission shall establish a code of conduct for the members of the Commission.

(2) The code of conduct shall include –

(a) provisions relating to the conduct of members in general; and

(b) procedures to be followed by the Commission in respect of meetings thereof.

**Powers and functions of Commission**

[5] 6. (1) The powers and functions of the Commission shall, in addition to those assigned to it under section 2, be to –

- (a) conduct research on the socio-economic conditions and needs of the youth of the Province, and for that purpose to establish and maintain a data base thereon for the analysis of such data;
- (b) make proposals to the Premier, the provincial departments and other competent bodies with regard to any matter contemplated in paragraph (a);
- (c) investigate and to consider, with the approval, or on the direction, of the Premier, any complaints, representations or recommendations received by the Commission as to the nature, extent and adequacy of the services provided for, and in relation to the needs or issues pertaining to, the youth, and to recommend to any interested person, competent body or department, measures for the improvement of such services which it considers inadequate or for the solution of any problems occurring in regard to such services;
- (d) plan and prepare a programme for provincial departments with a view to the future development or provision of services or facilities which are likely to be necessary to satisfy the needs and address the issues referred to in paragraph (a), (b) or (c), and to recommend the order of priority which such services or facilities shall be accorded;
- (e) encourage, promote and co-ordinate the rendering of services by competent governmental and non-governmental bodies in the Province and to stimulate the development of such services in a manner calculated to ensure an efficient, purposeful and fully co-ordinate service for the Province;
- (f) evaluate, regulate and monitor youth development plans and programmes generally and matters relating thereto;
- (g) consult and liaise with similar local, provincial, national or international departments or bodies on any issues relating to youth affairs or the rendering or provision of services or facilities;
- (h) produce a publication on youth development which may be in the form of a brochure, amongst others, to-

- (i) profile the Commission and its plans and programmes; and
- (ii) publish any campaign launched by the Commission and other relevant activities and ceremonies thereof;
- (i) develop and maintain information and technology requirements thereof;
- (i) mobilise donor community for investment in youth development;
- (k) develop capacity building of the youth and other training programmes of the youth;
- (l) advise the Premier in respect of –
  - (i) the general policy in respect of youth affairs;
  - (ii) the measures generally necessary for the promotion of youth affairs;
  - (iii) the measures which ought to be taken in order to improve services rendered to the youth of the Province;
  - [(iv) any research which should be undertaken in connection with any issue;]**
  - [(v)] (iv) any existing or proposed legislation governing or relating to youth matters.**

(2) The Commission may **[ , in consultation with the Premier,]** arrange discussions and conferences in connection with any matters which relate to its powers, functions and duties.

(3) The Commission shall report in writing annually **[to the Premier]** in respect of its activities **[and such report shall thereafter be submitted]** to the Legislature.

(4) The Commission may, subject to any other law, determine such management systems and structures as it deems necessary for the internal management needs thereof.

### **Appointment of [Management] Committees**

[6.] 7. [ (1) The Commission shall appoint from amongst their number a Management Committee which shall consist of the chairperson, deputy chairperson and 3 other members of the Commission.

(2) The Management Committee shall be responsible for the day to day management of the affairs of the Commission.

(3) The Commission may delegate any of its powers to the Management Committee on such conditions as shall be specified.] (1) The Commission shall have power to establish such committees as the Commission may deem necessary to carry out the mandate and other requirements thereof.

(2) The committees contemplated in subsection (1) must include an audit committee.

(3) The Commission shall have power to appoint or co-opt persons outside the Commission as members of the committees contemplated in subsection (1).

### **Repeal of sections 7 and 8 of Act 6 of 1995**

5. Sections 7 and 8 of the principal Act are hereby repealed.

### **Substitution of section 9 of Act 6 of 1995**

6. The following section is hereby substituted for section 9 of the principal Act:

#### **"Administration of Commission**

9. (1) The administration functions of the Commission [,the Management Committee] and [an area committee] the [Management] committees thereof shall be performed by officers in the service of the Province designated thereto by the Director-General: Eastern Cape Provincial Administration in consultation with the Commission or, [subject to section 11(4),] by officers appointed by the Commission on such conditions as it may determine subject to the approval of the Premier.

(2) [The Commission shall designate one of its officers as an accounting officer.]. The chief executive officer shall be the head of administration of the Commission.

***Substitution of section 10 of Act 6 of 1995***

7. The following section is hereby substituted for section 10 of the principal Act:

**"Delegation of powers**

10. (1) The Premier may, delegate to the departmental head of the [Premier's Office] Office of the Premier any power conferred upon him or her by this Act, except the powers referred to in sections 2, 7 and 13.

[(2) The departmental head referred to in subsection (1) may, with the approval of the Premier, authorise any other officer in his or her department, who is a director, or occupies a post above the rank of a director, to exercise any power conferred upon him or her in terms of this Act.]

(2) The Commission may develop any internal administrative procedures consistent with the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the Public Service Regulations, 1999."

***Substitution of section 11 of Act 6 of 1995***

8. The following section is hereby substituted for section 11 of the principal Act:

**"Allowances payable to members and finances**

11. (1) There shall be paid to any member of the Commission or a committee thereof [or the Management Committee or an area committee, who is not in the full-time service of the State], while he or she is engaged with work connected to the business of the Commission or such committee, such remuneration or fees and travelling and subsistence allowances as may determined by the Premier, in consultation with Member of the Executive Council responsible for financial matters.

(2) The expenditure incurred by the Commission [ , executive committee or an area committee] or a committee in the performance of its functions shall be defrayed from moneys appropriated for that purpose by the Legislature.

(3) The Premier shall establish a Youth Development and Empowerment Fund which shall be administered by the Commission and into which donations received from any source shall be deposited.

(4) The Premier, in consultation with the Member of the Executive Council responsible for financial matters, shall prescribe the rules which shall govern the control of the Fund and the utilisation, and accounting in respect, of moneys in the Fund and other assets.”.

*Amendment of section 13 of Act 6 of 1995*

9. Section 13 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph:

“(d) the functions which may be performed by the [Management] committees [and area committees];”.

*Amendment of section 14 of Act 6 of 1995*

10. The following section is hereby substituted for section 14 of the principal Act:

“Short title

14. This Act [shall be] is called the Promotion of Youth [Affairs] Development Act, 1995 (Eastern Cape).”.

*Short title*

11. This Act is called the Promotion of Youth Affairs Amendment Act, 2001 (Eastern Cape).

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