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CONTENTS • INHOUD*No.**Page
No. Gazette
No.***GENERAL NOTICE**

2644	Gauteng Youth Commission Repeal Bill, 2009: For public comments and general information	3	186
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GENERAL NOTICE

NOTICE 2644 OF 2009

GAUTENG PROVINCIAL GOVERNMENT

GAUTENG YOUTH COMMISSION REPEAL BILL, 2009

(MEC FOR INFRASTRUCTURE DEVELOPMENT)

**THE GAUTENG PROVINCIAL GOVERNMENT INTENDS TO INTRODUCE
THE GAUTENG YOUTH COMMISSION REPEAL BILL, 2009 IN THE
GAUTENG PROVINCIAL LEGISLATURE**

The above mentioned Bill was published in English in the Gauteng Provincial Extraordinary Gazette No ... on ... August 2009 for public comments and general information.

The bill seeks to. repeal the Gauteng Youth Commission Act, 2005; and to provide for matters connected therewith.

People, who wish to comment on the bill, may send their written comments to:

Office of the Secretary
C/o Committee Coordinator (Ms Ntombifuthi Mthembu)
Gauteng Provincial Legislature
Private Bag X52
Johannesburg
2000
Tel: (011) 498 5545
Mobile: (082) 967 7472
Fax: (011) 498 5719

Comments must reach the above office on or before Thursday, 03 September 2009.

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B I L L

To repeal the Gauteng Youth Commission Act, 2005; and to provide for matters connected therewith.

BE IT ENACTED by the *Gauteng Provincial Legislature*, as follows:-

Repeal of Act 2 of 2005

1. The Gauteng Youth Commission Act, 2005 (Act No. 2 of 2005), is hereby repealed.

Short title and commencement

2. This Act is called Gauteng Youth Commission Repeal Act, 2009, and comes into operation on a date to be fixed by the Premier by proclamation in the Gazette.

EXPLANATORY MEMORANDUM ON THE OBJECT OF THE REPEAL OF THE GAUTENG YOUTH COMMISSION ACT

1. PURPOSE OF THE BILL

The purpose of the Bill is to repeal the Gauteng Youth Commission Act, 2005 (Act No. 2 of 2005) (the GYCA).

2. BACKGROUND

The GYCA provides the legislative mandate for the establishment, functions and powers of a Gauteng Youth Commission (GYC). The Act came into operation on 01 April 2006. In terms of section 2(2) of the GYCA the GYC is a juristic person. However, the GYC was not listed as a public entity in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

While the Act envisaged that the GYC should operate as an independent body, the provincial government recognized that sufficient time should be given to the GYC to establish the requisite administrative and other capacity to enable it to function as an independent body and be registered as a public entity with National Treasury. The GYC budget and operations were therefore located in the Department of Sport, Arts, Culture and Recreation (SACR).

In July 2008, the Premier of Gauteng issued an instruction that the GYC should be transferred to the Office of the Premier. Hence the transfer of the GYC to the Office of the Premier.

Subsequently the National Youth Development Agency Act, 2008 (Act No. 54 of 2008) (the NYDAA) was promulgated on 21 November 2008 with effect from 6 February 2009. The Presidency indicated that the Provincial

Youth Commission may be integrated into the provincial structures of the National Youth Development Agency (NYDA) and further requested that Provincial Youth Commission Acts be repealed.

As a result this Bill has been developed. Since the GYC was not listed as an agency, and functioned within the structures of the Gauteng Provincial Government, no transitional provisions are required.

Even though the GYCA will be repealed, the NYDA in terms of section 7 still requires the provinces to plan and implement the national priorities in respect of youth development. This implies that the GPG would continue to require capacity for the mainstreaming and coordination of youth programmes within the GPG. Aspects of the GYC's capacity could therefore be incorporated into the administration of the GPG to drive youth development programmes within the GPG. It is proposed that the current GPG organizational review take cognizance of the considerations in this regard.

3. CONSULTATION

Consultation was facilitated and conducted with the Presidency and the GYC.

4. FINANCIAL IMPLICATIONS

There are no financial implications to effect the amendment.

5. SOCIO-ECONOMIC IMPLICATIONS

There will be no socio-economic implications.

6. ENVIRONMENTAL IMPLICATIONS

The amendments will not have an environmental impact.

7. CONSTITUTIONAL IMPLICATIONS

There are no constitutional implications.

8. CLAUSE BY CLAUSE EXPLANATION

Clause 1 provides for the repeal of Act.

Clause 2 provides for the short title and commencement.
