

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

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WESTERN CAPE

KANTOOR VAN DIE PREMIER
VAN DIE PROVINSIE
WES-KAAP

P.N. 251/2004

29 November 2004

P.K. 251/2004

29 November 2004

It is hereby notified that the Premier of the Province of Western Cape has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Premier van die Provinsie Wes-Kaap die onderstaande Wet wat hierby ter algemene inligting gepubliseer word, bekragtig het:—

No. 5 of 2004: Western Cape Provincial Youth Commission Act, 2004.

Nr. 5 van 2004: Wes-Kaapse Wet Op Die Provinsiale Jeugkommissie, 2004.

Johannesburg Bar Library

Society of Advocates
1st Floor Innes Chambers
84 Pritchard Street
Johannesburg 2001

*(English text signed by the Premier)
(Assented to 25 November 2004)*

ACT

To provide for the establishment, composition, objectives and functions of a Western Cape Provincial Youth Commission; and to provide for matters connected therewith.

PREAMBLE

WHEREAS it is necessary to create a united non-racial, non-sexist and prosperous society in which the youth of South Africa can promote national reconciliation and unity, build a new patriotism and foster peace, justice and a human rights culture and promote economic development in the Province;

AND WHEREAS it is imperative that South Africa recognizes the role that youth played and will still play in society, and since the youth in the Western Cape constitutes an energetic, creative and the largest sector of our population, and given the challenges this sector faced and continues to face as a result of the legacy of apartheid and colonialism;

AND WHEREAS it is necessary to redress the imbalances of the past and to create a provincial youth policy aimed at empowering the youth and allowing them to realise their full potential through optimal access to opportunities, and to address the socio-economic challenges of the youth in the Province.

BE IT THEREFORE ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates
 - "chairperson" means the chairperson of the Commission designated in terms of section 4(7); 5
 - "chief executive officer" means the chief executive officer of the Commission appointed in terms of section 9(1);
 - "Commission" means the Western Cape Youth Commission established by section 2(1); 10
 - "committee" means a committee appointed by the Commission in terms of section 8(1);
 - "member" means a person appointed in terms of section 4(6);
 - "National Youth Commission" means the National Youth Commission established in terms of section 2(1) of the National Youth Commission Act, 1996 (Act 19 of 1996); 15
 - "PFMA" means the Public Finance Management Act, 1999 (Act 1 of 1999);
 - "Premier" means the Premier of the Province of the Western Cape;

(Engelse teks deur die Premier geteken)
(Bekragtig op 25 November 2004)

WET

Om voorsiening te maak vir die instelling, samestelling, oogmerke en funksies van 'n Wes-Kaapse Provinsiale Jeugkommissie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

AANHEF

AANGESIEN dit nodig is om 'n verenigde nierassige, nie-seksistiese en vooruitstrewende samelewing te skep waarin die jeug van Suid-Afrika nasionale versoening en eenheid kan bevorder, 'n nuwe patriotisme kan bou en vrede, geregtigheid en 'n kultuur van menseregte kan kweek en ekonomiese ontwikkeling in die Provinsie kan bevorder;

EN AANGESIEN dit gebiedend is dat Suid-Afrika die rol erken wat die jeug gespeel het en nog gaan speel in die samelewing, en aangesien die jeug in die Wes-Kaap 'n energieke, skeppende en die grootste sektor van ons bevolking uitmaak, en in die lig van die uitdagings waarmee hierdie sektor te kampe gehad het en steeds te kampe het as gevolg van die nalatenskap van apartheid en kolonialisme;

EN AANGESIEN dit nodig is om die wanbalanse van die verlede reg te stel en om 'n provinsiale jeugbeleid te skep wat daarop gemik is om die jeug te bemagtig en hulle in staat te stel om hulle volle potensiaal te verwesenlik deur optimale toegang tot geleenthede, en om aandag te skenk aan die sosio-ekonomiese uitdagings van die jeug in die Provinsie.

WORD DERHALWE BEPAAL deur die Provinsiale Parlement van die provinsie Wes-Kaap, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
- 5 “hoof uitvoerende beampte” die hoof uitvoerende beampte van die Kommissie ingevolge artikel 9(1) aangestel;
- “jeug” 'n persoon tussen en insluitende die ouderdomme 14 en 35 in die Provinsie;
- “komitee” 'n komitee deur die Kommissie ingevolge artikel 8(1) ingestel;
- 10 “Kommissie” die Wes-Kaapse Jeugkommissie by artikel 2(1) ingestel;
- “lid” 'n persoon ingevolge artikel 4(6) aangestel;
- “Nasionale Jeugkommissie” die Nasionale Jeugkommissie ingestel ingevolge artikel 2(1) van die Wet op die Nasionale Jeugkommissie, 1996 (Wet 19 van 1996);
- 15 “ondervoorsitter” die ondervoorsitter van die Kommissie ingevolge artikel 4(7) aangewys;

"Province" means the Province of the Western Cape, established by the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"Provincial Parliament" means the Provincial Parliament of the Province as provided for in section 9 of the Constitution of the Western Cape, 1997 (Act 1 of 1998);

"Screening and Selection Committee" means the Standing Committee of the Provincial Parliament of the Western Cape responsible for youth affairs in the Province;"

"South African Youth Council (Western Cape)" means a non-statutory body representing civil society youth development organisations in the Province;

"vice-chairperson" means the vice chairperson of the Commission designated in terms of section 4(7); and

"youth" means a person between and including the ages of 14 and 35 in the Province.

Establishment

2. (1) A commission, to be known as the Western Cape Provincial Youth Commission, is established with the powers and duties conferred on or assigned to it by or under this Act or any other law.

(2) The seat of the Commission must be determined by the Premier.

(3) The Commission is a provincial public entity as defined in terms of section 1 of the PFMA.

Objectives

3. The objectives of the Commission are—

- (a) to monitor, evaluate, and report on the status of youth and youth development in the Province;
- (b) to promote uniformity of approach by all organs of the Provincial Government of the Western Cape to matters relating to or involving youth;
- (c) to develop recommendations and guidelines relating to any matters which may affect youth;
- (d) to unite youth from diverse cultural backgrounds, religious persuasions or political affiliations and inculcate in them a spirit of patriotism; and
- (e) to form effective linkages between the National Youth Commission and the Province, and between the Province and local municipalities in the Province.

Composition and appointment of Commission

4. (1) The Commission consists of not more than five full time members and not more than six part-time members appointed by the Premier whose names must be published in the *Provincial Gazette*, and who—

- (a) must represent a broad cross-section of the youth of the Province and reflect the balance between youthfulness, experience and gender;
- (b) must be fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the Commission; and
- (c) must be youths.

(2) The Premier, by notice in the *Provincial Gazette* and such other media as is deemed advisable, must call for nominations for appointment as members in terms of subsection (1).

(3) The notice contemplated in subsection (2) must—

- (a) specify a closing date by which nominations may be submitted, and this date must not be less than 30 days after the date of publication of the notice;
- (b) require that the nominator must provide reasons for the nomination which must be accompanied by a copy of the nominee's curriculum vitae and a signed declaration by the nominee of his or her willingness to serve on the Commission; and
- (c) stipulate the appointment requirements of the appointee as contemplated by subsection (1)(a), (b) and (c).

- “Premier” die Premier van die provinsie Wes-Kaap;
 “Provinsiale Parlement” die Provinsiale Parlement van die Provinsie soos bepaal by artikel 9 van die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998);
 “Provinsie” die provinsie Wes-Kaap, ingestel by die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);
 5 “Sif- en Keurkomitee” die Staande Komitee van die Provinsiale Parlement van die Wes-Kaap verantwoordelik vir jeugsake in die Provinsie;”.
 “Suid-Afrikaanse Jeugraad (Wes-Kaap)” ’n niestatutêre liggaam wat jeugontwikkelingsorganisasies van die burgerlike samelewing in die Provinsie
 10 verteenwoordig;
 “voorsitter” die voorsitter van die Kommissie ingevolge artikel 4(7) aangewys;
 en
 “WOFB” die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

Instelling

- 15 2. (1) ’n Kommissie wat as die Wes-Kaapse Provinsiale Jeugkommissie bekend staan, word ingestel met die bevoegdhede en pligte wat by of kragtens hierdie Wet of enige ander wet aan hom verleen of opgedra is.
 (2) Die setel van die Kommissie moet deur die Premier bepaal word.
 (3) Die Kommissie is ’n provinsiale openbare instelling soos omskryf ingevolge
 20 artikel 1 van die WOFB.

Oogmerke

3. Die oogmerke van die Kommissie is —
 (a) om die status van die jeug en jeugontwikkeling in die Provinsie te monitor, te evalueer en daarvoor verslag te doen;
 25 (b) om eenvormigheid van benadering deur alle organe van die Provinsiale Regering van die Wes-Kaap tot aangeleenthede rakende of met betrekking tot die jeug te bevorder;
 (c) om aanbevelings en riglyne rakende enige aangeleenthede wat die jeug kan raak, te ontwikkel;
 30 (d) om die jeug van uiteenlopende kulturele agtergronde, godsdienstige oortuiging of politieke affiliasie te verenig en ’n gees van patriotisme by hulle te kweek; en
 (e) om doeltreffende skakelings tussen die Nasionale Jeugkommissie en die Provinsie en tussen die Provinsie en munisipaliteite in die Provinsie te vorm.

35 Samestelling en aanstelling van Kommissie

4. (1) Die Kommissie bestaan uit hoogstens vyf voltydse lede en hoogstens ses deeltydse lede wat deur die Premier aangestel word, wie se name in die *Provinsiale Koerant* gepubliseer moet word en wat —
 (a) ’n breë deursnee van die jeug van die Provinsie moet verteenwoordig en die
 40 balans tussen jeugdigheid, ervaring en geslag moet weerspieël;
 (b) moet vir sodanige aanstelling geskik wees op grond van enige kwalifikasie, kennis of ondervinding rakende die funksies van die Kommissie; en
 (c) jeugdige moet wees.
 (2) Die Premier moet, by kennisgewing in die *Provinsiale Koerant* en sodanige ander
 45 media as wat nodig geag word, benoemings vra vir aanstelling as lede ingevolge subartikel (1).
 (3) Die kennisgewing in subartikel (2) bedoel, moet—
 (a) ’n sluitingsdatum vir die voorlegging van benoemings bepaal, en hierdie datum mag nie minder as 30 dae na die datum van publikasie van die
 50 kennisgewing wees nie;
 (b) vereis dat die benoemer redes vir die benoeming moet verstrek, wat gepaard moet gaan met ’n afskrif van die benoemde se *curriculum vitae* en ’n ondertekende verklaring deur die benoemde dat hy of sy bereid is om in die Kommissie te dien; en
 55 (c) die aanstellingsvereistes van die aangestelde persoon vermeld soos in subartikel (1)(a), (b) en (c) beoog.

(4) The Premier must, within seven days of the closing date specified in the notice published in terms of subsection (2), submit the nominations to the Screening and Selection Committee.

(5) Within 14 days of receipt of the nominations, the Screening and Selection Committee must compile a short list of nominees to be published by the Premier in the *Provincial Gazette* and such other media as is deemed advisable for comment by the public to be submitted within 21 days from the date of publication; provided that the Premier may make adjustments to the short list if this is considered necessary. 5

(6) After consideration of the comment referred to in subsection (5) the Premier must, in writing, appoint the members. 10

(7) The Premier must designate one of the members as chairperson and another as vice-chairperson.

Term of Office

5. (1) A member is appointed in writing for a period, not exceeding three years, determined by the Premier. 15

(2) A member whose term of office has expired is eligible for reappointment in writing and upon the same conditions set out in section 4(1) for a further period determined by the Premier, but such reappointment may not exceed one additional term.

Vacation of Office of Member

6. (1) A member who — 20

(a) dies;

(b) resigns;

(c) is convicted of an offence and sentenced to imprisonment without the option of a fine: Provided that no-one shall be regarded as having been sentenced until an appeal against the conviction or sentence has been finally determined; 25

(d) has been absent from three consecutive meetings of the Commission without the consent of the chairperson;

(e) is dismissed from office in writing by the Premier if in his or her opinion there are good reasons for doing so and after compliance with the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000); or 30

(f) attains the age of thirty six years, ceases to hold office.

(2) A vacancy in the Commission—

(a) does not affect the validity of proceedings or decisions of the Commission; and 35

(b) must be filled as soon as practicably possible by the Premier by following the process contemplated by section 4.

Meetings

7. (1) The Commission must meet at least quarterly and must determine the times, frequency, procedures and venues of its meetings. 40

(2) The first meeting of the Commission at the beginning of a new term must be determined by the Premier.

(3) The Commission must cause minutes to be kept of its proceedings, which are to be submitted to the Premier within fourteen (14) days after the meeting at which the minutes were confirmed. 45

(4) The quorum for any meeting of the Commission is a majority of the total number of members.

(5) A decision of the majority of the members present at a meeting is the decision of the Commission.

(6) In the event of an equality of votes concerning any matter, the chairperson has a casting vote in addition to his or her deliberative vote. 50

(7) The Commission may approach the Premier and the Provincial Parliament at any time regarding any matter related to the exercise of its powers or the performance of its duties or the carrying out of its functions.

(4) Die Premier moet binne sewe dae na die sluitingsdatum vermeld in die kennisgewing wat ingevolge subartikel (2) gepubliseer is, die benoemings aan die Sif- en Keurkomitee voorlê.

5 (5) Binne 14 dae na ontvangs van die benoemings moet die Sif- en Keurkomitee 'n kortlys van benoemdes saamstel, wat deur die Premier in die *Provinsiale Koerant* en sodanige ander media as wat nodig geag word, gepubliseer moet word vir kommentaar deur die publiek, wat binne 21 dae na die datum van publikasie voorgelê moet word: Met dien verstande dat die Premier aanpassings aan die kortlys kan aanbring as dit nodig geag word.

10 (6) Na oorweging van die kommentaar in subartikel (5) bedoel, moet die Premier die lede skriftelik aanstel.

(7) Die Premier moet een van die lede as voorsitter en nog een as ondervoorsitter aanwys.

Ampstermyn

15 5. (1) 'n Lid word skriftelik aangestel vir 'n tydperk van hoogstens drie jaar wat deur die Premier bepaal word.

(2) 'n Lid wie se ampstermyn verstryk het, kan skriftelik en op dieselfde voorwaardes uiteengesit in artikel 4(1) heraangestel word vir 'n verdere tydperk wat deur die Premier bepaal word, maar sodanige heraanstelling mag nie meer as een bykomende termyn wees nie.

Ampsontruiming deur lid

6. (1) 'n Lid wat—

(a) sterf;

(b) bedank;

25 (c) skuldig bevind word aan 'n misdryf en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete: Met dien verstande dat niemand as gevonnissen beskou word nie alvorens 'n appèl teen die skuldigbevinding of vonnis finaal beslis is;

30 (d) van drie agtereenvolgende vergaderings van die Kommissie afwesig was sonder toestemming van die voorsitter;

(e) skriftelik deur die Premier ontslaan word, indien daar na die Premier se mening goeie redes bestaan om dit te doen en na voldoening aan die Promotion of Administrative Justice Act (Wet 3 van 2000); of

(f) die ouderdom van ses en dertig jaar bereik,

35 hou op om die amp te beklee.

(2) 'n Vakature in die Kommissie—

(a) raak nie die geldigheid van verrigtinge of besluite van die Kommissie nie; en

(b) moet so gou as wat prakties moontlik is deur die Premier gevul word deur die proses te volg wat in artikel 4 beoog word.

40 Vergaderings

7. (1) Die Kommissie moet minstens kwartaalliks vergader en moet die tye, frekwensie, prosedures en plekke van sy vergaderings bepaal.

(2) Die eerste vergadering van die Kommissie aan die begin van 'n nuwe termyn moet deur die Premier bepaal word.

45 (3) Die Kommissie moet toesien dat notule van sy verrigtinge gehou word, wat aan die Premier voorgelê moet word binne veertien (14) dae na die vergadering waarop die notule goedgekeur is.

(4) Die kworum vir enige vergadering van die Kommissie is 'n meerderheid van die totale getal lede.

50 (5) 'n Besluit van die meerderheid van die lede teenwoordig op 'n vergadering is die besluit van die Kommissie.

(6) In die geval van 'n staking van stemme oor enige aangeleentheid het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.

55 (7) Die Kommissie kan die Premier en die Provinsiale Parlement te eniger tyd nader oor enige aangeleentheid rakende die uitoefening van sy bevoegdhede of die verrigting van sy pligte of die uitvoering van sy funksies.

(8) If the chairperson is absent from a meeting, the vice-chairperson must act as chairperson of the Commission, and if both the chairperson and vice-chairperson are absent from a meeting of the Commission, the members present must elect one of their number to preside at that meeting.

Committees

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8. (1) Subject to the provisions of this Act, the Commission may, with the approval of the Premier, appoint committees, including persons with technical and specialised knowledge, to perform the functions of the Commission, as the Commission may assign to it and to advise the Commission on any issue that the Commission may determine.

(2) Any committee established in terms of subsection (1) must have a member as its chairperson and must report on a monthly basis in writing to the Commission on the activities of the particular committee.

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(3) The Commission may at any time disband any committee established in terms of subsection (1) if, after consultation with the Premier, it is of the opinion that good reasons exist for doing so.

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(4) The Premier with the concurrence of the Provincial Minister responsible for finance in the Province, must determine the remuneration, including reimbursement for travelling, subsistence and other expenses, of any person appointed in terms of subsection (1).

Chief executive officer

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9. (1) The Premier must, as soon as possible after the appointment of the members of the Commission, in consultation with the Commission and after a transparent public process, appoint a chief executive officer of the Commission, who—

- (a) is an ex officio member of the Commission, without voting rights; and
- (b) must exercise the powers and perform the duties and functions which the Commission may from time to time confer upon or assign to him or her in order to achieve the objects of the Commission, and is for those purposes accountable to the Commission.

25

(2) The chief executive officer is appointed—

- (a) in writing and on terms and conditions determined by the Premier in consultation with the Provincial Minister responsible for finances in the Province; and
- (b) for a period, not exceeding three years, determined by the Premier.

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(3) A chief executive officer whose term of office has expired is eligible for reappointment upon the same terms and conditions set out in subsections (1) and (2) for a further period determined by the Premier, but such appointment may not exceed one additional term.

35

Powers, Duties and Functions

10. (1) The Commission, in addition to the powers and functions assigned to it in terms of this Act or any other law—

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- (a) must develop principles, set minimum standards and develop implementation guidelines regarding integrated youth development at a provincial level that will guide government, labour, business and civil society in the Province;
- (b) must monitor, evaluate and make recommendations on integrated youth development frameworks, strategies, programmes, policies, budgets and practices in the Province, based on the principles, minimum standards and implementation guidelines, to the Provincial Parliament;
- (c) may commission research on youth development, the overall status of youth in the Province in any relevant field as well as to further the objects of the Commission;
- (d) must monitor and evaluate any Bill or proposed legislation in any field for its effect and impact on youth in general and on youth development specifically and make recommendations accordingly to the Provincial Parliament;

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(8) As die voorsitter afwesig is van 'n vergadering van die Kommissie, moet die ondervoorsitter as voorsitter van die Kommissie optree, en as sowel die voorsitter as die ondervoorsitter afwesig is van 'n vergadering van die Kommissie, moet die lede teenwoordig 'n voorsitter uit hulle geledere kies om op daardie vergadering voor te sit.

5 Komitees

8. (1) Behoudens die bepalings van hierdie Wet kan die Kommissie, met die goedkeuring van die Premier, komitees aanstel, insluitende persone met tegniese en gespesialiseerde kennis, om die funksies van die Kommissie te verrig soos wat die Kommissie aan hom opdra en om die Kommissie te adviseer oor enige kwessie wat die

10 Kommissie bepaal.

(2) Enige komitee wat ingevolge subartikel (1) ingestel is, moet 'n lid as sy voorsitter hê en moet op 'n maandelikse basis skriftelik aan die Kommissie verslag doen oor die aktiwiteite van die bepaalde komitee.

(3) Die Kommissie kan te eniger tyd enige komitee wat ingevolge subartikel (1) ingestel is, ontbind indien die Kommissie na oorleg met die Premier van mening is dat daar goeie redes is om dit te doen.

15

(4) Die Premier, met die instemming van die Provinsiale Minister verantwoordelik vir finansies in die Provinsie, moet die besoldiging, insluitende die terugbetaling vir reis-, verblyf- en ander uitgawes, bepaal van enige persoon wat ingevolge subartikel (1) aangestel is.

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Hoof uitvoerende beampte

9. (1) Die Premier moet so gou moontlik na die aanstelling van die lede van die Kommissie, in oorleg met die Kommissie en na 'n deursigtige openbare proses, 'n hoof uitvoerende beampte aanstel, wat—

25 (a) ampshalwe lid van die Kommissie is, sonder stemreg; en
(b) die bevoegdhede uitoefen en die pligte en funksies verrig wat die Kommissie van tyd tot tyd aan hom of haar verleen of opdra om die oogmerke van die Kommissie te verwesenlik, en wat vir daardie doeleindes teenoor die Kommissie verantwoordingspligtig is.

30 (2) Die hoof uitvoerende beampte word aangestel—

(a) op skrif en op terme en voorwaardes soos bepaal deur die Premier in oorleg met die Provinsiale Minister verantwoordelik vir finansies in die Provinsie; en

(b) vir 'n periode van hoogstens drie jaar, wat deur die Premier bepaal word.

35 (3) 'n Hoof uitvoerende beampte wie se ampstermyn verstryk het, mag op dieselfde voorwaardes uiteengesit in subartikel (1) en (2) heraangestel word vir 'n verdere tydperk wat deur die Premier bepaal word, maar sodanige heraanstelling mag nie meer as een bykomende termyn wees nie.

Bevoegdhede, pligte en funksies

40 10. (1) Die Kommissie, benewens die bevoegdhede en funksies wat ingevolge hierdie Wet of enige ander wet aan hom opgedra word—

(a) moet beginsels ontwikkel, minimumstandaarde stel en riglyne vir implementering betreffende geïntegreerde jeugontwikkeling op provinsiale vlak ontwikkel wat die regering, arbeid, die sakesektor en die burgerlike samelewing in die Provinsie sal lei;

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(b) moet geïntegreerde jeugontwikkelingsraamwerke, -strategieë, -programme, -beleide, -begrotings en -praktyke in die Provinsie monitor, evalueer en aanbevelings daaroor, gebaseer op die beginsels, minimumstandaarde en riglyne vir implementering, aan die Provinsiale Parlement doen;

50 (c) kan navorsing laat doen oor jeugontwikkeling en die algemene status van die jeug in die Provinsie op enige tersaaklike gebied, asook om die oogmerke van die Kommissie te bevorder;

(d) moet enige wetsontwerp of voorgestelde wetgewing op enige gebied monitor vir die uitwerking en impak daarvan op die jeug in die algemeen en op jeugontwikkeling spesifiek en dienooreenkomstig aanbevelings aan die Provinsiale Parlement doen;

55

- (e) must evaluate and make recommendations, if necessary on legislation that has an impact on youth, youth development and the status of youth in the Province;
 - (f) must prepare and publish an annual provincial report on youth development and present this report to the Premier, the Provincial Parliament and the National Youth Commission; 5
 - (g) must monitor the impact of government policy in any relevant field on the youth of the Province and make recommendations accordingly to the Premier;
 - (h) must in partnership with the Provincial Government of the Western Cape, take responsibility for the coordination of youth development structures with feedback to the Premier; 10
 - (i) must develop, conduct and manage information and public awareness programmes to educate the public on youth development matters and to understand the role of the Commission in the Province;
 - (j) must investigate any youth related issue of its own accord or on receipt of a complaint and attempt to resolve any dispute or rectify any act or omission that is identified by such an investigation; 15
 - (k) must consider recommendations, suggestions and requests concerning the promotion of youth development; and
 - (l) must promote, in consultation with the National Youth Commission and other provincial youth commissions, the effective co-operation of services directed at promoting youth development. 20
- (2) The Chairperson, in addition to the powers and functions assigned to him or her in terms of this Act or any other law, must—
- (a) ensure that the Commission convenes on a regular basis at intervals determined by the Commission; 25
 - (b) liaise with and attend relevant meetings of the National Youth Commission with feedback to the Commission;
 - (c) ensure that the Commission liaises and networks with all other relevant provincial stakeholders, ensuring that the requirements and priorities of the National Youth Commission are communicated effectively, and ensuring that all stakeholders benefit from developments linked to national guidelines, policies, programmes of action, and financing opportunities; 30
 - (d) ensure that the Commission receives the minutes of every meeting of the National Youth Commission as well as any other youth related reports, policy frameworks, programme recommendations, and any other relevant youth related documentation that the Province could benefit from; and 35
 - (e) ensure that the minutes of the National Youth Commission meetings are tabled at meetings of the Commission, thus ensuring a linkage between provincial youth development and the National Youth Commission policy frameworks, guidelines, recommended programmes of action, and financing opportunities. 40
- (3) The members, in addition to the powers and functions assigned to them in terms of this Act or any other law, must—
- (a) ensure that they contribute equally to the effective functioning of the Commission; 45
 - (b) contribute constructively through the work of the Commission towards the improvement of the quality of life of all youth living in the Province;
 - (c) ensure that the image of the Commission as a promoter of sound youth development policies and practices are upheld at all times;
 - (d) perform their functions in good faith and without fear, favour, bias or prejudice; 50
 - (e) have due regard to the need for forming sustainable partnerships with all sectors representing youth development in the Province; and

- (e) moet wetgewing wat 'n uitwerking op die jeug, jeugontwikkeling en die status van die jeug in die Provinsie het, evalueer en aanbevelings daaroor doen, indien nodig;
- 5 (f) moet 'n provinsiale jaarverslag oor jeugontwikkeling opstel en publiseer en hierdie verslag aan die Premier, die Provinsiale Parlement en die Nasionale Jeugkommissie voorlê; en
- (g) moet die impak van regeringsbeleid op enige tersaaklike gebied op die jeug in die Provinsie moniteer en dienooreenkomstig aanbevelings aan die Premier doen;
- 10 (h) moet in vennootskap met die Provinsiale Regering van die Wes-Kaap verantwoordelikheid aanvaar vir die koördinerende van jeugontwikkelingsstrukture, met terugvoer aan die Premier;
- (i) moet inligtings- en openbarebewustheidsprogramme ontwikkel, bedryf en bestuur om die publiek op te voed oor jeugontwikkelingsaangeleenthede en om die rol van die Kommissie in die Provinsie te verstaan;
- 15 (j) moet enige jeugverwante kwessie uit eie beweging of by ontvangs van 'n klag ondersoek en probeer om enige geskil te besleg of enige handeling of versuim reg te stel wat deur sodanige ondersoek geïdentifiseer word;
- 20 (k) moet aanbevelings, voorstelle en versoeke rakende die bevordering van jeugontwikkeling oorweeg; en
- (l) moet, in oorleg met die Nasionale Jeugkommissie en ander provinsiale jeugkommissies, die doeltreffende samewerking van dienste gemik op die bevordering van jeugontwikkeling bevorder.
- 25 ~~Die~~ voorsitter, benewens die bevoegdhede en funksies wat ingevolge hierdie Wet of enige ander wet aan hom of haar opgedra word, moet—
- (a) verseker dat die Kommissie op 'n gereelde basis vergader met tussenpose wat die Kommissie bepaal;
- (b) skakel met en tersaaklike vergaderings bywoon van die Nasionale Jeugkommissie, met terugvoer aan die Kommissie;
- 30 (c) verseker dat die Kommissie skakel en netwerk met alle ander tersaaklike provinsiale belanghebbendes, om te verseker dat die vereistes en prioriteite van die Nasionale Jeugkommissie doeltreffend oorgedra word, en om te verseker dat alle belanghebbendes voordeel trek uit ontwikkelings gekoppel aan nasionale riglyne, beleide, programme van aksie en finansieringsgeleenthede;
- 35 (d) verseker dat die Kommissie die notule van elke vergadering van die Nasionale Jeugkommissie ontvang asook enige ander jeugverwante verslae, beleidsraamwerke, programaanbevelings en enige ander tersaaklike jeugverwante dokumentasie waaruit die Provinsie voordeel kan trek; en
- 40 (e) verseker dat die notule van vergaderings van die Nasionale Jeugkommissie op vergaderings van die Kommissie ter tafel gelê word, om sodoende 'n koppeling te verseker tussen provinsiale jeugontwikkeling en die Nasionale Jeugkommissie se beleidsraamwerke, riglyne, aanbevole programme van aksie en finansieringsgeleenthede.
- 45 ~~Die~~ lede, benewens die bevoegdhede en funksies wat ingevolge hierdie Wet of enige ander wet aan hulle opgedra word, moet—
- (a) verseker dat hulle in gelyke mate tot die doeltreffende funksionering van die Kommissie bydra;
- (b) deur die werk van die Kommissie konstruktief bydra tot die verbetering van die lewensgehalte van alle jeug wat in die Provinsie woon;
- 50 (c) verseker dat die beeld van die Kommissie as 'n bevorderaar van goeie jeugontwikkelingsbeleide en -praktyke te alle tye gehandhaaf word;
- (d) hulle funksies te goeder trou en sonder vrees, begunstiging, partydigheid of vooroordeel verrig;
- 55 (e) behoorlik ag slaan op die behoefte aan die vorming van volhoubare vennootskappe met alle sektore wat jeugontwikkeling in die Provinsie verteenwoordig; en

- (e) must evaluate and make recommendations, if necessary on legislation that has an impact on youth, youth development and the status of youth in the Province;
 - (f) must prepare and publish an annual provincial report on youth development and present this report to the Premier, the Provincial Parliament and the National Youth Commission; 5
 - (g) must monitor the impact of government policy in any relevant field on the youth of the Province and make recommendations accordingly to the Premier;
 - (h) must in partnership with the Provincial Government of the Western Cape, take responsibility for the coordination of youth development structures with feedback to the Premier; 10
 - (i) must develop, conduct and manage information and public awareness programmes to educate the public on youth development matters and to understand the role of the Commission in the Province;
 - (j) must investigate any youth related issue of its own accord or on receipt of a complaint and attempt to resolve any dispute or rectify any act or omission that is identified by such an investigation; 15
 - (k) must consider recommendations, suggestions and requests concerning the promotion of youth development; and
 - (l) must promote, in consultation with the National Youth Commission and other provincial youth commissions, the effective co-operation of services directed at promoting youth development. 20
- (2) The Chairperson, in addition to the powers and functions assigned to him or her in terms of this Act or any other law, must—
- (a) ensure that the Commission convenes on a regular basis at intervals determined by the Commission; 25
 - (b) liaise with and attend relevant meetings of the National Youth Commission with feedback to the Commission;
 - (c) ensure that the Commission liaises and networks with all other relevant provincial stakeholders, ensuring that the requirements and priorities of the National Youth Commission are communicated effectively, and ensuring that all stakeholders benefit from developments linked to national guidelines, policies, programmes of action, and financing opportunities; 30
 - (d) ensure that the Commission receives the minutes of every meeting of the National Youth Commission as well as any other youth related reports, policy frameworks, programme recommendations, and any other relevant youth related documentation that the Province could benefit from; and 35
 - (e) ensure that the minutes of the National Youth Commission meetings are tabled at meetings of the Commission, thus ensuring a linkage between provincial youth development and the National Youth Commission policy frameworks, guidelines, recommended programmes of action, and financing opportunities. 40
- (3) The members, in addition to the powers and functions assigned to them in terms of this Act or any other law, must—
- (a) ensure that they contribute equally to the effective functioning of the Commission; 45
 - (b) contribute constructively through the work of the Commission towards the improvement of the quality of life of all youth living in the Province;
 - (c) ensure that the image of the Commission as a promoter of sound youth development policies and practices are upheld at all times;
 - (d) perform their functions in good faith and without fear, favour, bias or prejudice; 50
 - (e) have due regard to the need for forming sustainable partnerships with all sectors representing youth development in the Province; and

- (e) moet wetgewing wat 'n uitwerking op die jeug, jeugontwikkeling en die status van die jeug in die Provinsie het, evalueer en aanbevelings daarvoor doen, indien nodig;
- 5 (f) moet 'n provinsiale jaarverslag oor jeugontwikkeling opstel en publiseer en hierdie verslag aan die Premier, die Provinsiale Parlement en die Nasionale Jeugkommissie voorlê; en
- (g) moet die impak van regeringsbeleid op enige tersaaklike gebied op die jeug in die Provinsie moniteer en dienooreenkomstig aanbevelings aan die Premier doen;
- 10 (h) moet in vennootskap met die Provinsiale Regering van die Wes-Kaap verantwoordelikheid aanvaar vir die koördinerende van jeugontwikkelingsstrukture, met terugvoer aan die Premier;
- (i) moet inligtings- en openbarebewustheidsprogramme ontwikkel, bedryf en bestuur om die publiek op te voed oor jeugontwikkelingsaangeleenthede en om die rol van die Kommissie in die Provinsie te verstaan;
- 15 (j) moet enige jeugverwante kwessie uit eie beweging of by ontvangs van 'n klag ondersoek en probeer om enige geskil te besleg of enige handeling of versuim reg te stel wat deur sodanige ondersoek geïdentifiseer word;
- 20 (k) moet aanbevelings, voorstelle en versoeke rakende die bevordering van jeugontwikkeling oorweeg; en
- (l) moet, in oorleg met die Nasionale Jeugkommissie en ander provinsiale jeugkommissies, die doeltreffende samewerking van dienste gemik op die bevordering van jeugontwikkeling bevorder.
- 25 ~~Die~~ voorsitter, benewens die bevoegdhede en funksies wat ingevolge hierdie Wet of enige ander wet aan hom of haar opgedra word, moet—
- (a) verseker dat die Kommissie op 'n gereelde basis vergader met tussenpose wat die Kommissie bepaal;
- (b) skakel met en tersaaklike vergaderings bywoon van die Nasionale Jeugkommissie, met terugvoer aan die Kommissie;
- 30 (c) verseker dat die Kommissie skakel en netwerk met alle ander tersaaklike provinsiale belanghebbendes, om te verseker dat die vereistes en prioriteite van die Nasionale Jeugkommissie doeltreffend oorgedra word, en om te verseker dat alle belanghebbendes voordeel trek uit ontwikkelings gekoppel aan nasionale riglyne, beleide, programme van aksie en finansieringsgeleenthede;
- 35 (d) verseker dat die Kommissie die notule van elke vergadering van die Nasionale Jeugkommissie ontvang asook enige ander jeugverwante verslae, beleidsraamwerke, programaanbevelings en enige ander tersaaklike jeugverwante dokumentasie waaruit die Provinsie voordeel kan trek; en
- 40 (e) verseker dat die notule van vergaderings van die Nasionale Jeugkommissie op vergaderings van die Kommissie ter tafel gelê word, om sodoende 'n koppeling te verseker tussen provinsiale jeugontwikkeling en die Nasionale Jeugkommissie se beleidsraamwerke, riglyne, aanbevole programme van aksie en finansieringsgeleenthede.
- 45 ~~Die~~ lede, benewens die bevoegdhede en funksies wat ingevolge hierdie Wet of enige ander wet aan hulle opgedra word, moet—
- (a) verseker dat hulle in gelyke mate tot die doeltreffende funksionering van die Kommissie bydra;
- (b) deur die werk van die Kommissie konstruktief bydra tot die verbetering van die lewensgehalte van alle jeug wat in die Provinsie woon;
- 50 (c) verseker dat die beeld van die Kommissie as 'n bevorderaar van goeie jeugontwikkelingsbeleide en -praktyke te alle tye gehandhaaf word;
- (d) hulle funksies te goeder trou en sonder vrees, begunstiging, partydigheid of vooroordeel verrig;
- 55 (e) behoorlik ag slaan op die behoefte aan die vorming van volhoubare vennootskappe met alle sektore wat jeugontwikkeling in die Provinsie verteenwoordig; en

- (f) adhere to a code of good conduct to be developed by the Commission.
- (4) The Commission must maintain close liaison with institutions, bodies or authorities similar to the Commission in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances. 5
- (5) As part of ensuring coordinated provincial youth structures the Commission must—
- (a) maintain close liaison and networking with the delegated authority responsible for the coordination of the efforts of provincial departments on youth matters; and 10
 - (b) maintain close liaison and networking with the South African Youth Council (Western Cape).

Remuneration expenses of Members

11. (1) The remuneration, allowances and other terms and conditions of the members of the Commission must be determined by the Premier in concurrence with the Provincial Minister responsible for finance. 15
- (2) All expenditure incurred for purposes of implementing this Act shall be defrayed from moneys appropriated for that purpose by the Provincial Parliament and in terms of the PFMA.

Administrative Staff

12. The administration of the Commission must be performed by the Chief Executive Officer supported by officers in the service of the Province who are designated thereto by the Director-General of the Province in consultation with the Premier, chief executive officer if one has been appointed, and the chairperson. 20

Reports and financial control

13. (1) Over and above any reports required in terms of subsection (2), the Commission must submit written quarterly reports to the Premier on all its activities. 25
- (2) The Commission's financial control, accountability and responsibility and its duties to report are regulated by the PFMA and any regulations or directives issued in terms of that Act. 30

Accountability

14. The Commission is accountable to the Premier and the Provincial Parliament.

Regulations

15. (1) The Premier may, after consultation with the Commission, make regulations not inconsistent with the provisions of this Act in relation to any matter which the Premier considers necessary or expedient to make in order to achieve the objects of this Act. 35
- (2) Any regulations with financial implications must be made in concurrence with the Provincial Minister responsible for finance and with due regard to the availability of funds. 40

Short Title and Commencement

16. This Act is called the Western Cape Provincial Youth Commission Act, 2004, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

- (f) hou by 'n kode van goeie gedrag wat deur die Kommissie ontwikkel moet word.
- (4) Die Kommissie moet noue skakeling handhaaf met instellings, liggame of owerhede soortgelyk aan die Kommissie ten einde gemeenskaplike beleide en praktyke te bevorder en om samewerking te bevorder met betrekking tot die hantering van klagtes in gevalle van oorvleuelende jurisdiksie of ander gepaste gevalle.
- (5) As deel van die versekering van gekoördineerde provinsiale jeugstrukture moet die Kommissie—
- (a) noue skakeling en netwerking handhaaf met die gedelegeerde gesag verantwoordelik vir die koördinering van die pogings van provinsiale departemente met jeugsake; en
- (b) noue skakeling en netwerking handhaaf met die Suid-Afrikaanse Jeugraad (Wes-Kaap).

Besoldiging en uitgawes van lede

- 15 11. (1) Die besoldiging, toelaes en ander bepalinge en voorwaardes van die lede van die Kommissie moet deur die Premier met die instemming van die Provinsiale Minister verantwoordelik vir finansies bepaal word.
- (2) Alle uitgawes aangegaan vir doeleindes van die implementering van hierdie Wet moet bestry word uit gelde wat vir dié doel deur die Provinsiale Parlement en ingevolge 20 die WOFB, bewillig word.

Administratiewe personeel

12. Die administrasie van die Kommissie moet verrig word deur die hoof uitvoerende beampte, bygestaan deur beamptes in diens van die Provinsie wat daarvoor aangewys word deur die Direkteur-generaal van die Provinsie in oorleg met die 25 Premier, hoof uitvoerende beampte indien een aangestel is, en die voorsitter.

Verslae en finansiële beheer

13. (1) Bo en behalwe enige verslae wat ingevolge subartikel (2) vereis word, moet die Kommissie skriftelike kwartaalverslae oor al sy aktiwiteite aan die Premier voorlê.
- (2) Die Kommissie se finansiële beheer, verantwoordingspligtigheid en verantwoordelikheid en sy pligte om verslag te doen, word gereël deur die WOFB, en enige regulasies of lasgewings wat kragtens daardie Wet uitgevaardig word.
- 30

Verantwoordingspligtigheid

14. Die Kommissie is teenoor die Premier en die Provinsiale Parlement verantwoordingspligtig.

35 Regulasies

15. (1) Die Premier kan, na oorleg met die Kommissie, regulasies uitvaardig wat nie met die bepalinge van hierdie Wet strydig is nie met betrekking tot enige aangeleentheid wat die Premier nodig of dienstig ag om uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Enige regulasies met finansiële implikasies moet met die instemming van die 40 Provinsiale Minister verantwoordelik vir finansies en met behoorlike inagneming van die beskikbaarheid van fondse uitgevaardig word.

Kort titel en inwerkingtreding

16. Hierdie Wet heet die Wes-Kaapse Wet op die Provinsiale Jeugkommissie, 2004, 45 en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.