

GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG
YOUTH COMMISSION BILL, 2005**

(As introduced by the Premier of Gauteng)

[G002(B)—2005]

GENERAL EXPLANATORY NOTES:

Words in bold and underlined with a solid line indicate insertions in the Bill.

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BILL

To provide for the establishment, powers and functions of a Provincial Youth Commission; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Gauteng Province as follows:—

Definitions

1. (1) In this Act, unless the context otherwise indicates—
 - (a) **“Chairperson”** means the Chairperson of the Commission;
 - (b) **“Commission”** means the Gauteng Youth Commission established under section 2;
 - (c) **“Deputy Chairperson** means Deputy Chairperson of the Commission;
 - (d) **“Legislature”** means the Provincial Legislature of Gauteng;

- (e) “MEC” means the member of the Executive Council responsible for youth affairs in the Province;
- (f) “Premier” means the Premier of the Province of Gauteng;
- (g) “Prescribe” means prescribe by regulation;
- (h) “Province” means the Province of the Gauteng; 5
- (i) “Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No 1 of 1999);
- (j) “Strategic plan” means the strategic plan contemplated by Regulation 30 of the Treasury Regulations made in terms of the Public Finance Management Act; and 10
- (k) “Youth” means persons between the ages of 14 and 35.

Establishment of Provincial Youth Commission

2. (1) A provincial youth commission to be known as the Gauteng Youth Commission is established.
- (2) The Commission— 15
- (a) is a juristic person; and
 - (b) must exercise its functions in accordance with this Act or any other law.
- (3) The Commission is—
- (a) to be listed as an entity in schedule 3(c) of the Public Finance Management Act; and 20
 - (b) must comply with all provisions of the Public Finance Management Act relating to entities listed in schedule 3(c) of the Public Finance Management Act.

Seat of Commission

3. The Premier must determine the seat of the Commission. 25

Object of the Commission

4. (1) The Commission must—
- (a) co-ordinate, facilitate, advise and monitor the mainstreaming of youth development in the policies and programmes of the Provincial government; and 30
 - (b) build relations with other youth organisations and non governmental organisations in the Province on youth issues.

Functions of Commission

5. (1) The Commission must—
- (a) liaise with: 35
 - (i) the national, provincial and local spheres of government on youth issues; and
 - (ii) other youth organisations and non governmental organisations in the Province on youth issues.
 - (b) monitor and review the impact of government’s policies on youth in the Province and inform the Provincial government on new and emerging trends and issues relating to youth; and 40
 - (c) advocate for an enabling environment for youth participation in all private and public institutions.

Appointment of members of Commission 45

6. (1) A member of the commission **shall** be a youth at the time of appointment.
- (2) A member of the commission shall continue to act as such until the expiry of his or her term.
- (3) The Commission **shall** consist of seven members who shall— 50
- (a) have a record of commitment to development of youth; and
 - (b) be persons with applicable knowledge or experience with regard to matters connected with the objects of the commission.

(4) The Commission consists of not more than seven members and not less than three members.

(5) At least two of the members of the Commission appointed in terms of subsection (1) must be appointed on a full time basis.

(6) The Premier must appoint the members of the Commission from a shortlist compiled by a committee of the Legislature appointed for that purpose. 5

(7) The committee referred to in sub-section (3) must meet after the Premier has published a public call for nominations.

(8) The Premier must designate one member of the Commission as chairperson and any other member as deputy chairperson, who will act as chairperson of the Commission when the chairperson is absent or is unable to perform his or her duties. 10

Term of office of members of Commission

7. (1) A member of the Commission holds office for a period determined by the Premier at the time of appointment, but not exceeding five years.

(2) No person may be appointed as a member of the Commission for more than two consecutive terms. 15

Vacancies in the Commission

8. (1) A vacancy in the Commission occurs when:

(a) a member's term of office expires;

(b) a member dies;

(c) a member is removed from office;

(d) a member resigns."

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(2) The Premier may at any time terminate the term of office of any member of the Commission if, in the Premier's opinion, there are good reasons for doing so if—

(a) such termination is requested by a committee of the Legislature; and

(b) such request is approved by resolution adopted by the House.

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(3) A vacancy in the Commission must be filled in accordance with section 6 for the unexpired portion of the **term**.

Remuneration of members of Commission

9. The Premier must determine remuneration, allowances and terms and conditions of members of the Commission in consultation with the Member of the Executive Council responsible for finance in the Province. 30

Meetings of Commission

10. (1) The Commission must meet at least quarterly a year.

(2) Meetings of the Commission will be held on such dates and at such times and places as the Commission may determine provided that the first meeting shall be held at the time and place determined by the Premier after consultation with the Chairperson of the Commission. 35

(3) The procedure at a meeting of the Commission will be determined by the Commission. 40

(4) The quorum for a meeting of the Commission will be a simple majority of the members of the Commission.

(5) When both the chairperson and deputy chairperson are absent from a meeting of the Commission, the members present at the meeting must elect one of their number to preside at such meeting. 45

(6) A decision of the Commission will be taken by a majority of the votes of the members present at a meeting of the Commission. In the event of an equality of votes on any matter, the chairperson will have a casting vote in addition to his or her deliberative vote.

(7) Minutes of proceedings of the Commission must be recorded and entered into a book kept for that purpose. 50

Committees of Commission

11. The Commission may form committees to enable it to perform its functions.

Chief Executive Officer

12. (1) The Premier, after consultation with the Commission, must appoint a chief executive officer. 5
- (2) The chief executive officer—
- (a) is an ex-officio member of the Commission;
 - (b) is the accounting officer of the Commission for purposes of the Public Finance Management Act;
 - (c) is an employee of the Commission and is accountable to the Commission for the performance of his or her functions. 10
- (3) The employment contract of the chief executive officer must be in writing and must incorporate, as appropriate, the provisions of sections 50, 51, 53, 54 and 55 of the Public Finance Management Act.
- (4) The chief executive officer holds office for an agreed term not exceeding five years, and may be re-appointed upon expiry of that term of office. 15
- (5) The Chief Executive Officer may appeal against a recommendation of the Commission to terminate his or her contract of employment prior to its expiry to the Premier. The appeal must:
- (a) be lodged in writing within 14 days from the date of notification of the decision to terminate the contract; and 20
 - (b) comply with any other requirements that may be prescribed in respect of an appeal.
- (6) The Premier may at any time terminate the contract of the CEO, if in his or her opinion there is good reason for doing so. 25

Appointment of staff

13. (1) The chief executive officer may appoint such other staff, or contract with other persons, to assist the Commission in carrying out its functions.
- (2) The Commission, in consultation with the MEC and the member of the Executive Council responsible for finance in the Province, must determine the remuneration and other terms and conditions of employment of members of staff which must be consistent with the terms and conditions of employment of persons employed in terms of the Public Service Act. 30

Commission's outcomes, performances and indicators

14. (1) The MEC, after consulting the Commission, must for each financial year— 35
- (a) identify the Commission's outcomes; and
 - (b) determine performance measures and indicators for assessing the Commission's performance in delivering the objectives and outcomes.
- (2) The Commission must submit proposals to the MEC concerning the matters dealt with in sub-section (1) by no later than six months prior to the start of each financial year, or such other date as may be prescribed. 40
- (3) The MEC, after considering the proposals contemplated in sub-section (2), must notify the Commission of its objectives, outcomes, performance measures and indicators by no later than three months prior to the start of the financial year.
- (4) The Commission must incorporate these outcomes, performance measures and indicators in its strategic plan. 45

Finances

15. (1) The Commission is financed from:
- (a) money that is appropriated by the Legislature for the Commission;
 - (b) income derived by the Commission from its investment and deposit of surplus money in terms of subsection (5); and 50
 - (c) money received from a source approved by Provincial Treasury.

- (2) The financial year of the Commission is the period 1 April in any year to 31 March in the following year, except that the first financial year of the Commission begins on the date that this Act comes into operation, and ends on 31 March next following that date.
- (3) The Commission must open and maintain an account in the name of the Commission with a bank approved by Provincial Treasury, and— 5
- (a) any money received by the Commission must be deposited into that account; and
 - (b) every payment on behalf of the Commission must be made from that account.
- (4) Cheques drawn on the account of the Commission must be signed on its behalf by two persons authorised for that purpose by resolution of the Commission. 10
- (5) The Commission may invest or deposit money of the Commission that is not immediately required for contingencies or to meet current expenditures—
- (a) on a call or short-term fixed deposit with a financial institution approved by Provincial Treasury; or
 - (b) in any investment account with the Corporation for Public Deposits established by section 2 of the Corporation of Public Deposits Act, 1984 (Act No. 46 of 1984). 15
- (6) The Commission must, within three months from the date of the appointment of its members under section 6(3), for the first financial year, and thereafter in each financial year for the following financial year, submit to the MEC a statement of estimated income and expenditure of the Commission, and requested appropriation from the Legislature in respect of the ensuing financial year, for its approval. 20
- (7) The Commission may not incur any expenditure which exceeds the total amount approved under subsection (1).
- (8) The MEC is the executing authority of the Commission for purposes of the Public Finance Management Act. 25
- (9) Within two months after the end of each financial year, the Commission must prepare and submit to the MEC and the auditors of the Commission financial statements in accordance with generally recognised accounting practices and procedures, comprising— 30
- (a) a balance sheet showing the state of its assets, liabilities and financial position as at the end of that financial year;
 - (b) an income statement reflecting, with suitable and sufficient particulars, the income and expenditure of the Commission during the preceding financial year; 35
 - (c) a cash flow statement;
 - (d) notes to the annual financial statements; and
 - (e) such other statements as may be determined by the Accounting Standards Board.
- (10) The Auditor General must audit the Commission's financial records each year. 40

Report

- 16.** (1) Within five months after the end of the Commission's financial year, the Commission must prepare and submit to the MEC an annual report, including—
- (a) the audited financial statements prepared in terms of section 16(9);
 - (b) the Auditor General's report prepared in terms of section 16(10); 45
 - (c) a report of activities undertaken in terms of its functions set out in the Act; and
 - (d) a statement of the progress achieved during the preceding year towards the realization of its functions.
- (2) The commission shall report to the Premier at least once a year on its activities, and the Premier shall cause such report to be tabled in the Legislature. 50
- In addition to the report contemplated in subsection 17.2, the Commission shall submit quarterly reports to the Premier on its findings in respect of functions and investigations which were performed or conducted by it during the quarter. Provided that the Commission may at any time submit a report to the Premier if it deems it necessary. 55

Regulations

- 17.** The MEC may, after consultation with the Commission, make regulations regarding any matter in respect of which he or she considers necessary or expedient to make regulations to achieve the objects of this Act.

Short title and commencement date

18. (1) This Act:

- (a) is called the Gauteng Youth Commission Act, 2005; and
- (b) commences on the date fixed by the Premier by proclamation in the Gazette.

