

**KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI**

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI

*(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)*

Vol. 3

PIETERMARITZBURG,

17 JULY 2009
17 JULIE 2009
17 kuNTULIKAZI 2009

No. 308

CONTENTS

<i>No.</i>		<i>Page</i>
GENERAL NOTICE		
19	KwaZulu-Natal Youth Commission Act Repeal Bill, 2009.....	3
<i>No.</i>		<i>Bladsy</i>
ALGEMENE KENNISGEWING		
19	KwaZulu-Natal Herroepingswetsontwerp op die Jeugkommissiewet, 2009.....	7
<i>No.</i>		<i>Ikhasi</i>
ISASIZO SIKAWONKE-WONKE		
19	umThethosivinyo wokuchitha umThetho weKhomishana yeNtsha waKwaZulu-Natali, 2009.....	11

GENERAL NOTICE—ALGEMENE KENNISGEWING—ISAZISO SIKAWONKE-WONKE

No. 19**17 July 2009****KWAZULU-NATAL YOUTH COMMISSION ACT
REPEAL BILL, 2009****Notice in terms of Rule 194 of the Standing Rules of the KwaZulu-Natal Legislature**

Notice is hereby given in terms of Rule 194 of the Standing Rules of the Provincial Legislature that the KwaZulu-Natal Youth Commission Act Repeal Bill, 2009 as set out hereunder, has been introduced into the aforesaid Legislature and will be considered by the Premier and Royal Household Portfolio Committee. The public and other interested groups are invited to submit representations on the said Bill, which representations must be addressed to:

Attention: Mrs NP Mshengu
The Secretary
KwaZulu-Natal Legislature
Private Bag X 9112
PIETERMARITZBURG
3200

so as to reach her not later than 15 days from the date of publication of this notice.

N. NAIDOO
Secretary to the KwaZulu-Natal Legislature

CERTIFIED: 11 March 2009
Principal State Law Advisor

BILL

To provide for the repeal of the KwaZulu-Natal Youth Commission Act, 2005; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Repeal of Act 7 of 2005

1. The KwaZulu-Natal Youth Commission Act, 2005 (Act No. 7 of 2005), is hereby repealed.

Disestablishment of KwaZulu-Natal Youth Commission established in terms of repealed KwaZulu-Natal Youth Commission Act, 2005, and transitional provisions incidental thereto

2.(1) The KwaZulu-Natal Youth Commission established in terms of section 2 of the repealed KwaZulu-Natal Youth Commission Act, 2005 (Act No. 7 of 2005), is hereby disestablished and dissolved.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to, or received by, the disestablished KwaZulu-Natal Youth Commission are transferred to, and vest in, the KwaZulu-Natal Office of the Premier.

(3) The KwaZulu-Natal Office of the Premier is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished KwaZulu-Natal Youth Commission.

Short title

3. This Act is called the KwaZulu-Natal Youth Commission Act Repeal Act, 2009.

**MEMORANDUM ON THE OBJECTS
OF THE
KWAZULU-NATAL YOUTH COMMISSION ACT REPEAL BILL, 2009**

1. BACKGROUND

The Bill has as its purpose the repeal of the KwaZulu-Natal Youth Commission Act, 2005 (Act No. 7 of 2005). The repeal of the Act is in line with the establishment of the National Youth Development Agency (NYDA) in terms of the National Youth Development Agency Act, 2008, which seeks to coordinate and champion issues of youth development from one consolidated centre. The former Minister in the Presidency, Dr MantoTshabalala-Msimang, when she briefed members of the media on the NYDA, made the following point in relation to provincial youth commission structures:

“As far as the Provincial Youth Commissions are concerned, Government is liaising with the provinces where the responsibility of repealing Provincial Youth Commission Acts resides. These structures will be integrated into the NYDA gradually in order to mitigate the unintended negative effects prevalent in big bang approaches.”

It is in line with the above-mentioned statement by the former Minister that she has requested the Premier (see attached letter) to initiate a process that would bring about the repeal of the KZN Youth Commission Act, 2005.

2. CLAUSE BY CLAUSE EXPLANATION

In summary, the Bill provides as follows –

Clause 1:

Clause 1 provides for the repeal of the KwaZulu-Natal Youth Commission Act, 2005 (Act No. 7 of 2005).

Clause 2:

Clause provides for transitional arrangements in relation to assets, liabilities, rights and duties of the disestablished KwaZulu-Natal Youth Commission.

Clause 3:

Clause 3 contains the short title of the Act.

3. ORGANISATIONAL AND PERSONNEL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue organisational and personnel implications are foreseen.

4. FINANCIAL IMPLICATIONS FOR PROVINCIAL GOVERNMENT

No undue financial implications are foreseen.

5. DEPARTMENTS/ BODIES/ PERSONS CONSULTED

The Bill has been drafted in consultation with –

5.1 the Office of the Premier; and

5.2 the Presidency.

6. CONTACT PERSON:

Name: Adv Bheki Mbili

Position: Principal State Law Advisor

Tel: (033) 341-3372

Cellular: 082-801-2653

E-mail: mbilib@premier.kzntl.gov.za

No. 19**17 Julie 2009**

KWAZULU-NATAL HERROEPINGSWETSONTWERP OP DIE JEUGKOMMISSIEWET, 2009

Kennisgewing ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer

Kennisgewing geskied hiermee ooreenkomstig Reël 194 van die Staande Reëls van die KwaZulu-Natal Wetgewer dat die KwaZulu-Natal Herroepingswetsontwerp op die Jeugkommissiewet, 2009 soos hieronder uiteengesit, by die voorgemelde Wetgewer ingedien is en deur die Portefeulje Komitee oor Premier en Koninklike Huishouding Plaaslike oorweeg sal word. Die publiek en ander belanghebbende groepe word uitgenooi om verhoë oor die vermelde wetsontwerp in te dien, welke verhoë gerig moet word aan:

Aandag: Mev. NP Mshengu
Die Sekretaris
KwaZulu-Natal Legislature
Privaatsak X 9112
PIETERMARITZBURG
3200

Verhoë moet haar nie later as 15 dae vanaf die datum van hierdie publikasie bereik nie.

N. NAIDOO
Sekretaris van die KwaZulu-Natal Wetgewer

WETSONTWERP

Om voorsiening te maak vir die herroeping van die KwaZulu-Natal Jeugkommissiewet, 2005; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie KwaZulu-Natal bepaal:-

Herroeping van Wet No. 7 van 2005

1. Die KwaZulu-Natal Jeugkommissiewet, 2005 (Wet No. 7 van 2005), word hiermee herroep.

Opheffing van die KwaZulu-Natal Jeugkommissie ingestel ingevolge herroepe KwaZulu-Natal Jeugkommissiewet, 2005, en oorgangsbepalings wat daarmee verband hou

2.(1) Die KwaZulu-Natal Jeugkommissie ingestel ingevolge artikel 2 van die herroepe KwaZulu-Natal Jeugkommissiewet, 2005 (Wet No. 7 van 2005), word hiermee opgehef en ontbind.

(2) Alle bates, laste, regte, pligte en verpligtinge, insluitend enige onbestede gedeelte van enige fondse wat die opgehefte KwaZulu-Natal Jeugkommissie toegeval het of ontvang het, word oorgedra na, en berus by, die KwaZulu-Natal Premierskantoor.

(3) Die KwaZulu-Natal Premierskantoor is, met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse vermeld in subartikel (2), vir alle doeleindes die regsopvolger van die opgehefte KwaZulu-Natal Jeugkommissie.

Kort titel

3. Hierdie Wet word genoem die Herroepingswet op die KwaZulu-Natal Jeugkommissiewet, 2009.

**MEMORANDUM AANGAANDE DIE DOELSTELLINGS
VAN DIE KWAZULU-NATAL HERROEPINGSWETSONTWERP OP DIE
JEUGKOMMISSIEWET, 2009**

1. AGTERGROND

Die oogmerk van die Wetsontwerp is die herroeping van die KwaZulu-Natal Jeugkommissiewet, 2005 (Wet No. 7 van 2005). Die herroeping van die Wet is in lyn met die instelling van die Nasionale Jeugontwikkelingsagentskap (NJOA) ingevolge die Wet op Nasionale Jeugontwikkelingsagentskap, 2008, wat jeugontwikkelingskwessies vanaf een gekonsolideerde sentrum wil koördineer en voorstaan. Die vorige Minister in die Presidensie, Dr MantoTshabalala-Msimang, het, toe sy lede van die pers aangaande die NJOA ingelig het, die volgende punt gemaak met betrekking tot provinsiale jeugkommissiestrukture:

“As far as the Provincial Youth Commissions are concerned, Government is liaising with the provinces where the responsibility of repealing Provincial Youth Commission Acts resides. These structures will be integrated into the NYDA gradually in order to mitigate the unintended negative effects prevalent in big bang approaches.”

Dit is in lyn met die bogenoemde verklaring deur die voormalige minister dat sy die Premier versoek het (sien aangehegte brief) om 'n proses te inisieer wat die herroeping van die KZN Jeugkommissiewet, 2005 teweeg sal bring.

2. KLOUSULE-BY-KLOUSULE VERDUIDELIKING

Die Wetsontwerp bepaal kortliks soos volg –

Klousule 1:

Klousule 1 maak voorsiening vir die herroeping van die KwaZulu-Natal Jeugkommissiewet, 2005 (Wet No. 7 van 2005).

Klousule 2:

Klousule maak voorsiening vir oorgangsreëlings met betrekking tot bates, laste, regte en pligte van die opgehefde KwaZulu-Natal Jeugkommissie.

Klousule 3:

Klousule 3 bevat die kort titel van die Wet.

3. ORGANISATORIESE EN PERSONEELIMPLIKASIES VIR PROVINSIALE REGERING

Geen onredelike organisatoriese en personeelimplikasies word voorsien nie.

4. FINANSIËLE IMPLIKASIES VIR PROVINSIALE REGERING

Geen onredelike finansiële implikasies word voorsien nie.

5. DEPARTEMENTE/ LIGGAME/ PERSONE GERAADPLEEG

Die Wetsontwerp is opgestel in oorleg met –

5.1 die Premierskantoor; en

5.2 die Presidensie.

6. KONTAKPERSOON

Naam: Adv. Bheki Mbili

Posisie: Hoofstaatsregsadviseur

Tel: (033) 341-3372

Sellulêr: 082-801-2653

E-pos: mbilib@premier.kzntl.gov.za

No. 19**17 kuNtulikazi 2009**

UMTHETHOSIVIVINYO WOKUCHITHA UMTHETHO WEKHOMISHANA YENTSHA WAKWAZULU-NATALI, 2009

Isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho saKwaZulu-Natali

Ngalokhu kunikezwa isaziso ngokuhambisana noMthetho 194 weMithetho Emileyo yeSishayamthetho sesiFundazwe maqondana nokuthi Umthethosivivinyo wokuChitha uMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2009, njengoba uchazwe ngezansi, sewethuliwe eSishayamthethweni esibalulwe ngenhla futhi uzocutshungulwa yiKomidi Lomnyango kaNdunankulu Nezindaba zaseNdlunkulu. Umphakathi kanye nabanye abanentshisekelo bayamenywa ukuba balethe izethulo ezimayelana nalo Mthethosivivinyo, okumele ziqondiswe ku -:

Nkk. N.P. Mshengu
UNobhala
ISishayamthetho saKwaZulu-Natali
Isikhwama Seposi X 9112
Pietermaritzburg
3200

ukuze zifinyelele kuye zingakapheli izinsuku eziyi-15 kusukela ngosuku okushicilelwe ngalo lesi saziso

N. NAIDOO
UNobhala weSishayamthetho saKwaZulu-Natali

UMTHETHOSIVIVINYO

Wokuhlinzekela ukuchithwa koMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005; nohlinzekela okunye okuphathelele nalokho.

MAKUMISWE UMTHETHO yisiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

Ukuchithwa koMthetho 7 ka 2005

1. UMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 (uMthetho No. 7 ka 2005), ngalokhu uyachithwa.

Ukuhlakazwa kweKhomishana yeNtsha yaKwaZulu-Natali eyasungulwa ngokoMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 osuchithiwe, kanye nezinhlinzeko zesikhashana ezihambisana nalokho

2.(1) IKhomishana yeNtsha yaKwaZulu-Natali eyasungulwa ngokwesigaba 2 soMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 osuchithiwe (uMthetho No. 7 ka 2005), ngalokhu iyahlakazwa.

(2) Zonke izimpahla, izikweletu, amalungelo, imisebenzi kanye nezibopho, kubandakanya nanoma yiphi ingxenye yemali eqongelelwe ebingakasetshenziswa, noma etholwe, yiKhomishana yeNtsha yaKwaZulu-Natali esihlakaziwe zidluliselwa, futhi zinikezwa iHhovisi likaNdunankulu.

(3) IHhovisi likaNdunankulu waKwaZulu-Natali maqondana nezimpahla, nezikweletu, namalungelo, nemisebenzi nezibopho kanye nezimali okukhulunywe ngakho esigatshaneni (2), ngazo zonke izindlela lingundlalifa ngokusemthethweni weKhomishana yeNtsha yaKwaZulu-Natali esihlakaziwe.

Isihloko esifingqiwe

3. Lo Mthetho ubizwa ngokuthi uMthetho wokuChitha uMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2009.

**MEMORANDAMU YEZINJONGO ZOMTHETHOSIVIVINYO WOKUCHITHWA
KOMTHETHO WEKHOMISHANA YENTSHA WAKWAZULU-NATALI, 2009**

1. UMSUKA

UMthethosivivinyo inhloso yawo ukuchitha uMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 (uMthetho No. 7 ka 2005). Ukuchithwa koMthetho kuhambisana nokusungulwa kwesiKhungo sokuThuthukiswa kweNtsha sikaZwelonke (NYDA) ngokoMthetho wesikhungo sokuThuthukiswa kweNtsha kaZwelonke, 2008, okuhloswe ngaso ukudidiyelwa nokwesekwa kwezindaba eziphathelene nokuthuthukiswa kwentsha esikhungweni esisodwa. OwayenguNgqongqoshe ehhovisi likaMengameli, uDkt. MantoTshabalala-Msimang, ngesikhathi exoxisana nabezindaba nge-NYDA, wenza leli phuzu elilandelayo mayelana nezinhloko zekhomishana yentsha ezifundazweni:

“As far as the Provincial Youth Commissions are concerned, Government is liaising with the provinces where the responsibility of repealing Provincial Youth Commission Acts resides. These structures will be integrated into the NYDA gradually in order to mitigate the unintended negative effects prevalent in big bang approaches.”

OwayenguNgqongqoshe wanxusa uNdunankulu (bheka incwadi ehambisana nalokhu) ukuba aqalise uhlelo oluzokwenza ukuba kuchithwe uMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 ngokuhambisana nalesi sitatimende sakhe esibalulwe ngasenhla.

2. UKUCHAZWA KOMSHWANA NGAMUNYE

Kafishane, uMthethosivivinyo uhlinzeka ngalokhu okulandelayo –

UMshwana 1:

UMshwana 1 uhlinzekela ukuchithwa koMthetho weKhomishana yeNtsha waKwaZulu-Natali, 2005 (uMthetho No. 7 ka 2005).

UMshwana 2:

UMshwana uhlinzekela amalungiselelo oququko mayelana nempahla, nezindleko, namalungelo kanye nemisebenzi yeKhomishana yeNtsha yaKwaZulu-Natali ehlakaziwe.

UMshwana 3:

UMshwana 3 uqukethe isihloko esifingqiwe soMthetho.

3. IZINGQINAMBA ZOKUPHATHA NEZABASEBENZI ZIKAHULUMENI WESIFUNDAZWE

Azikho izingqinamba zokuphatha kanye nezabasebenzi ezilindeleke ukuba khona.

4. IZINGQINAMBA KWEZEZIMALI KUHULUMENI WESIFUNDAZWE

Azikho izingqinamba kwezezimali ezilindeleke ukuba khona.

5. IMINYANGO/ IMIGWAMANDA/ ABANTU ABATHINTIWE

UMthethosivivinyo ubhalwe ngokubonisana –

5.1 neHhovisi likaNdunankulu; kanye

5.2 nelikaMengameli.

6. UMUNTU OKUXHUNYANWA NAYE:

Igama:	uMeli waseMajajini uBheki Mbili
Isikhundla sakhe:	Principal State Law Advisor
Ucingo:	(033) 341-3372
Inombolo kamakhalekhukhwini:	082-801-2653
I-imeyili:	mbilib@premier.kzntl.gov.za
