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**GENERAL NOTICE**

**Parliament of the Republic of South Africa**

*General Notice*

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## GENERAL NOTICE

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### NOTICE 1294 OF 2008

#### PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Publication of NATIONAL YOUTH DEVELOPMENT AGENCY BILL (2008)

The Ad Hoc Committee to consider legislation on National Youth Development Agency was appointed by the National Assembly to consider legislation on the National Youth Development Agency. The Committee hereby publishes a draft of the National Youth Development Agency Bill for comment. Interested persons and institutions are invited to submit written comments on the draft legislation on or before 14 November 2008, to the following persons:

**The Secretary to Parliament**  
**For the attention of :**  
**Ms Neliswa Nobatana**  
**3<sup>rd</sup> Floor, 90 Plein Street**  
**Cape Town, 8001**

**Postal Address:**  
**P.O. Box 15**  
**Cape Town 8001**  
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**BILL**

**To provide for the establishment of the National Youth Development Agency aimed at creating and promoting co-ordination in youth development matters; to determine the objects and functions of the Agency; to determine the manner in which it is to be managed and governed; to regulate its staff matters and financial affairs; to provide for the administration of the fund referred to in the Demutualisation Levy Act, 1998, by the Agency under a new name; to repeal the National Youth Commission Act, 1996; and to provide for matters connected therewith.**

**BE IT ENACTED BY Parliament of the Republic of South Africa, as follows:-**

**ARRANGEMENT OF SECTIONS***Section*

1. Definitions
2. Establishment of the Agency
3. Objects of the Agency
4. Principles of youth development
5. Functions of the President
6. Functions of the Agency
7. Integrated Youth Development Strategy
8. Control and management of affairs of Agency
9. Composition, appointment and conditions of service of the Board
10. Disqualification, removal from office and resignation of director of Board
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14. Appointment of Chief Executive Officer
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16. Appointment of staff
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18. Funding and investments

19. Application of Public Finance Management Act
20. Provincial boards
21. Local Co-ordinators
22. Regulations
23. Judicial management and liquidation of Agency
24. Transitional provisions
25. Repeal of laws
26. Short title and commencement

## Definitions

1. In this Act, unless the context otherwise indicates—

"**Agency**" means the National Youth Development Agency established by section 2;

"**Board**" means the Board of the Agency;

"**designated entity**" means—

(a) an organ of state defined in section 239 of the Constitution of the Republic of South Africa, 1996;

(b) an employer who employs 20 or more people; or

(c) a non-governmental organisation;

"**Integrated Youth Development Strategy**" means the Integrated Youth Development Strategy for South Africa referred to in section 3(a);

"**financial year**" means the period from 1 April in any year to 31 March in the next year;

"**National Youth Fund**" means the National Youth Fund referred to in section 24(2);

"**Public Finance Management Act**" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"**regulation**" means any regulation made in terms of section 22;

"**this Act**" includes a regulation;

"**Umsobomvu Youth Fund**" means the Umsobomvu Fund as referred to in the Demutualisation Levy Act, 1998 (Act No. 50 of 1998);

"**youth**" means persons between the ages of 14 and 35.

## Establishment of Agency

2. A juristic person to be known as the National Youth Development Agency is hereby established.

## Objects of Agency

3. The objects of the Agency are to—

(a) develop an Integrated Youth Development Strategy for South Africa;

(b) co-ordinate the implementation of an integrated national youth development policy;

- (c) develop principles and guidelines for the implementation of an integrated national youth development policy and make recommendations to the President regarding such principles and guidelines;
- (d) co-ordinate, direct and monitor the implementation of such principles and guidelines as a matter of priority;
- (e) initiate, co-ordinate, monitor and evaluate all programmes aimed at integrating the youth into the economy;
- (f) facilitate economic participation and empowerment of the youth;
- (g) guide efforts to redress the imbalances of the past relating to the various forms of disadvantages suffered by the youth generally or specific groups or categories of persons among the youth;
- (h) promote a uniformity of approach by all organs of state, the private sector and non-governmental organisations, to matters relating to or involving youth development; and
- (i) make any recommendations to the President relating to any other matters which may affect the youth.

### **Principles of youth development**

4. Youth development interventions and programmes must be guided by the following principles:

- (a) Recognition of the manner in which young women and men have been affected by the imbalances of the past and the need to redress these imbalances through more equitable policies, programmes and the allocation of resources.
- (b) Promotion of equal opportunity and equal treatment of the youth and the promotion of a gender-inclusive approach to the development of the youth, where the social influences of gender, disability, the impact of sexism and the particular circumstances of young women are recognised.
- (c) Creation of an environment which supports the continued development and learning of the youth.
- (d) Promotion of the youth's participation in—
  - (i) democratic processes;

- (ii) community and civic decision-making; and
  - (iii) development at all levels.
- (e) Youth development must be recognised as an important mandate for all designated entities.
- (f) Responsiveness to the needs, aspirations and challenges of the youth in a realistic and participatory manner.
- (g) Recognition of—
  - (i) cultural and spiritual diversity as a basis for youth development; and
  - (ii) the important role tradition, spirituality and culture play in the development of youth.
- (h) The value of sustainability must be promoted in order to ensure that the needs of the youth are met without compromising the ability of future generations to meet their own needs.
- (i) Youth development initiatives must endeavour to recognise and address the peculiar needs of rural youth and their communities.
- (j) Institutions and organisations involved in youth development must operate in a transparent and accountable manner, whilst ensuring that they are accessible to the youth.

### **Functions of President**

5. (1) The President may by notice in the *Gazette* publish the integrated national youth development strategy.
- (2) The President must monitor the implementation of—
- (a) youth development initiatives by all designated entities and, subject to the Constitution and the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), take appropriate action where necessary to promote compliance; and
  - (b) the integrated national youth development policy and undertake any investigations into matters arising from its implementation, and cause the necessary adjustments, if any, to be made to that policy.
- (3) The President may delegate any of his or her functions in terms of this Act to any member of the Cabinet designated by the President for such purposes.



## Functions of Agency

6. (1) In order to achieve its objects, the Agency must—
- (a) co-ordinate, monitor and evaluate the implementation of the Integrated Youth Development Strategy for South Africa.
  - (b) establish units in the prescribed manner as part of its operations to cover at least the following functional areas —
    - (i) National Youth Service and Social Cohesion;
    - (ii) Economic Participation;
    - (iii) Policy, Research and Development;
    - (iv) Governance, Training and Development;
    - (v) Youth Advisory and Information Services; and
    - (vi) National Youth Fund;
  - (c) appoint executive managers in an open and transparent manner as heads of its administrative units;
  - (d) establish offices of the Agency at provincial and local levels and appoint the necessary personnel to those offices;
  - (e) manage and administer the National Youth Fund.
- (2) In order to achieve its objects, the Agency may—
- (a) carry out or cause to be carried out any investigation that it deems necessary;
  - (b) consider such recommendations, suggestions and requests concerning youth affairs as it may receive from any source;
  - (c) conduct or cause to be conducted such research as it may deem necessary.
- (3) (a) The management and administration of the National Youth Fund, referred to in subsection (1)(e) must be aimed at empowering the youth to be integrated into and play a meaningful role in the economy.
- (b) For purposes of paragraph (a), the Agency may-
- (i) provide career guidance services;
  - (ii) provide access to information regarding products and services of the National Youth Fund;
  - (iii) create and administer databases of employment opportunities;
  - (iv) provide financial assistance to youths to enable them to further their careers;

- (v) provide financial assistance to small, micro and medium enterprises owned by youths;
- (vi) provide mentoring services aimed at empowering youths in the economy;
- (vii) provide bridging programmes for youths to facilitate the transition from school or training to the work environment;
- (viii) provide training regarding the concepts and principles of entrepreneurship and business to youths;
- (ix) provide training relating to the personal development of youths;
- (x) provide training and guidance relating to the establishing and managing of businesses for youths;
- (xi) provide training for unemployed youths to enhance their life and professional skills which would enable them to be integrated into the economy;
- (xii) provide opportunities for training that will promote service to communities and the nation at large; and
- (xiii) provide such other services as may be necessary to achieve the aim contemplated in paragraph (a).

(4) (a) The Agency must annually submit a report to be known as the Status of Youth Report to the President.

(b) The report must include matters such as—

- (i) national priorities in respect of youth development;
- (ii) the activities of the Agency during the past year;
- (iii) progress reports on the implementation of initiatives regarding youth development priorities; and
- (iv) generally, any other matter relating to national youth development.

(c) All designated entities must—

- (i) take the national priorities in respect of youth development, contemplated in paragraph (b)(iii), into account in their planning activities; and
- (ii) in the prescribed manner submit annual reports to the Agency regarding their implementation of initiatives regarding those youth development priorities.

(d) The President must, within a reasonable time after receipt of the report envisaged in paragraph (a), table the report in Parliament.

(e) The Agency must publish the report after it has been tabled in Parliament by the President.

(5) The functions of the Agency must be performed by the Chief Executive Officer as directed by the Board, except where otherwise specified in this Act.

### **Integrated Youth Development Strategy**

7. (1) The President must publish the Integrated Youth Development Strategy for South Africa in the *Gazette*.

(2) All designated entities must—

- (a) take into account the Integrated Youth Development Strategy for South Africa when they develop their development plans and any growth and development strategy; and
- (b) afford the Agency such assistance as may be reasonably required for the effective exercise of its powers and performance of its duties.

### **Control and management of affairs of Agency**

8. The affairs of the Agency must be managed by a Board of Directors, who must—

- (a) determine the policy and objectives of the Agency; and
- (b) exercise control generally over the exercise of its powers and the execution of its duties by the Agency.

### **Composition, appointment and conditions of service of the Board**

9. (1) The Board consists of—

- (a) not more than seven non-executive directors; and
- (b) the Chief Executive Officer, who is an ex-officio member of the Board but does not have any voting rights.

(2) The non-executive directors of the Board must be appointed by the President on the recommendation of Parliament.

(3) The non-executive members of the Board must be appointed in a manner ensuring—

- (a) participation by the public in a nomination process;
- (b) transparency and openness; and
- (c) that a short-list of candidates for appointment is published, taking into account the objects and principles of this Act.

(4) The members of the Board must represent a broad cross-section of the population of South Africa and comprise persons who reflect South African society with special attention to race, gender, disability and geographical spread.

(5) (a) The President must designate one of the directors of the Board contemplated in subsection (3) as the chairperson and another member as a deputy chairperson, both of whom must be non-executive directors of the Board.

(b) All non-executive directors, except the chairperson who serves in a full-time capacity, serve in a part-time capacity.

(6) The directors of the Board hold office for such period as the President may determine which period must not exceed three years.

(7) The deputy chairperson contemplated in subsection (4) must, when the chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, perform any function of the chairperson.

(8) Every appointment of a director of the Board must be published in the *Gazette*.

(9) A director of the Board appointed to fill a casual vacancy holds office for the unexpired portion of the period for which the vacating member was appointed.

(10) The Board represents the Agency and all acts performed by the Board or on its authority are acts of the Agency.

(11) The conditions of appointment of directors of the Board, who are not in the employ of an organ of state, are determined by the President in consultation with the Minister of Finance.

(12) The conditions of appointment may include remuneration and any allowance payable by the Board.

(13) Directors who are employed by an organ of state are not entitled to remuneration, or any allowance, but must be reimbursed for out-of-pocket expenses by the Board

### **Disqualification, removal from office and resignation of director of Board**

**10.** (1) A person may not be appointed or continue to serve as a director of the Board if he or she—

- (a) is an unrehabilitated insolvent;
- (b) has at any time been convicted of an offence involving dishonesty;
- (c) has been convicted, in the Republic or elsewhere, and imprisoned without the option of a fine, or fined more than the prescribed amount, for theft, fraud, forgery, perjury or an offence in connection with the promotion, formation or management of a company, or hereto any violation of the Public Finance Management Act.
- (d) has, as a result of improper conduct, been removed from an office of trust; or
- (e) has been declared by a court to be mentally ill or unfit.

(2) The President—

- (a) may remove a director of the Board from office on account of misconduct or inability to perform his or her duties efficiently after due enquiry and upon recommendation of the Board; or
- (b) must remove a director of the Board from office after a finding to that effect by a committee of Parliament and the adoption by Parliament of a resolution calling for that director's removal from office in terms of section 12.

(3) A director of the Board may resign by giving 30 days notice in writing to the chairperson of the board.

### **Resolution for removal of director of Board**

**11.** (1) Parliament may by the adoption of a resolution, recommend the removal of a director of the Board from office on account of—

- (a) misconduct;

- (b) inability to perform the duties of his or her office efficiently;
- (c) absence from three consecutive meetings of the Board without permission of the Board, except on good cause shown;
- (d) his or her becoming disqualified as contemplated in section 11.

(2) The President—

- (a) may suspend a director from office at any time after the start of the proceedings of Parliament for the removal of that director; and
- (b) must act in accordance with a recommendation contemplated in subsection (1) within 30 days of such recommendation.

### **Meetings of Board**

12. (1) The Board must meet at least four times a year at such times and places as the Board may determine.

(2) The Board determines the procedure at its meetings.

(3) The chairperson may at any time call a special meeting of the Board, which must be held at such time and place as he or she may direct.

(4) A decision of the Board must be taken by resolution of the majority of the members present at any meeting of the Board and, in the event of an equality of votes on any matter, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote as a director of the Board.

(5) Four members of the Board, which must include the chairperson or the deputy chairperson, constitute a quorum at any meeting of the Board.

(6) A member of the Board must, as such member, act impartially and in good faith and without fear, favour or prejudice and subject only to the Constitution and other applicable law.

(7) If a member of the Board has, in relation to any matter to be considered at a meeting of the Board, any interest which precludes that member from acting in a fair, unbiased and proper manner in respect of his or her membership of the Board, the member may not-

- (a) vote or in any other manner participate in that meeting of the Board;
- (b) be present at the venue where the meeting is held.

(8) (a) If, during the course of any proceedings of the Board, there is reason to believe that a member has any interest contemplated in subsection (7), that member must immediately fully disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members to discuss the matter and determine whether or not that member should be allowed to participate in the proceedings.

(b) The disclosure, and the decision taken by the remaining members, must be recorded in the minutes of the proceedings in question.

### **Committees**

13. (1) The Board may establish committees to assist it in the performance of its functions.

(2) The Board must determine the composition, rules and procedures of committees established in terms of this section.

(3) The Board may invite persons who are not members of the Board to serve on any of its committees, but such persons may not be appointed as chairpersons of such committees.

(4) The Board may from time to time dissolve or reconstitute a committee.

(5) Any decision taken by a committee established under this section must be ratified by the Board.

### **Appointment of Chief Executive Officer**

14. (1) The President must, after consultation with the Board, appoint a suitably qualified person as the Chief Executive Officer.

(2) The Chief Executive Officer is an employee of the Agency and is accountable to the Board.

(3) The Chief Executive Officer must—

- (a) ensure that the functions of the Agency in terms of this Act are performed;
- (b) report to the Board on the proper functioning of the Agency;

(c) complete a report on the activities of the Agency for each financial year in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999), and submit the report to the Board for approval.

(4) The Chief Executive Officer holds office for an agreed term not exceeding five years and may be reappointed upon the expiry of that term of office.

(5) If the Chief Executive Officer is unable to fulfil his or her functions, the Board must appoint an acting Chief Executive Officer to perform the functions of the Chief Executive Officer until the Chief Executive Officer resumes his or her duties or a new Chief Executive Officer is appointed.

### **Employment contract and performance agreement of Chief Executive Officer**

15. (1) The Board must conclude a written performance agreement with the Chief Executive Officer—

- (a) within a reasonable time after the appointment of the Chief Executive Officer; and
- (b) thereafter, annually within one month of the commencement of each financial year.

(2) The performance agreement must include—

- (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
- (b) standards and procedures for evaluating performance and intervals for evaluation; and
- (c) the consequences of substandard performance.

(3) The employment contract of the Chief Executive Officer must incorporate in an appropriate form, section 57 of the Public Finance Management Act.

### **Appointment of staff**

16. (1) The Chief Executive Officer must—



- (a) in consultation with the Board, appoint executive managers of the Agency, which may include a Chief Operations Officer and a Chief Financial Officer, and
- (b) appoint staff to assist the Agency in carrying out its functions.

(2) The President must in consultation with the Minister of Finance approve the remuneration, allowances, benefits and other terms and conditions of appointment of members of staff.

### **Delegation and assignment**

17. (1) The Board may delegate any of its powers or assign any of its duties to the Chief Executive Officer or any employee of the Agency in accordance with section 56 of the Public Finance Management Act.

(2) The Chief Executive Officer may delegate any power or assign any duty conferred or imposed upon the Chief Executive Officer by or under this Act to—

- (a) any other person with appropriate knowledge and experience who is under the control of the Chief Executive Officer; or
- (b) any other person, after consulting the Board.

(3) A delegation or assignment under subsections (1) and (2) must be in writing and—

- (a) may be subject to any conditions or restrictions determined by the Board or the Chief Executive Officer;
- (b) does not prevent the exercise of that power or the performance of that duty by the Board or the Chief Executive Officer; and
- (c) may be withdrawn or amended by the Board or the Chief Executive Officer.

### **Funding and investments**

18. (1) The funds of the Agency consist of—

- (a) money appropriated by Parliament for that purpose;
- (b) interest of investments of the Agency;
- (c) money lawfully received from any other source;

(d) donations and contributions lawfully received by the Agency from any other source.

(2) The Agency may invest any of its funds not immediately required—

(a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and

(b) in such manner as may be approved by the President in consultation with the Minister of Finance.

### **Application of Public Finance Management Act**

19. (1) The Agency is a national public entity and must comply with the Public Finance Management Act.

(2) For the purposes of the Public Finance Management Act—

(a) the Board is the accounting authority contemplated in section 49(2)(a) of the Public Finance Management Act;

(b) the President is the executive authority contemplated in section 52 of the Public Finance Management Act;

(c) the Board must table its annual report to Parliament in accordance with section 55 of the Public Finance Management Act; and

(d) any delegation or assignment of the Board's powers and duties must be in accordance with section 56 of the Public Finance Management Act.

### **Provincial boards**

20. (1) (a) The Agency must, in consultation with the relevant Premiers, appoint a management board for each Province.

(b) A management board must consist of seven non-executive directors appointed for a term not exceeding three years.

(c) The chairpersons of management boards serve as ex-officio members of the Board and may participate in its deliberations, but do not have any voting rights.

(2) A management board must co-ordinate, monitor and oversee the implementation of the Integrated Youth Development Strategy within its area of jurisdiction and submit periodical reports to the Board.

(3) A management board may, subject to guidance of the Board, establish committees to assist in the performance of its duties and;

(4) A management board is responsible for managing the activities of the Agency in the relevant Province and in all municipal areas in that Province as directed by the Board.

(5) Local Co-ordinators envisaged in 21(1) must serve on the management board in an *ex officio* capacity and may participate in its deliberations but have no voting rights.

### **Local Co-ordinators**

21. (1) The Agency must be represented in every municipal area and its activities must be managed and co-ordinated by a Local Co-ordinator;

(2) The management board of each province must appoint a suitable person in every municipal area to serve as the Local Co-ordinator for that area.

(3) Local Co-ordinators must exercise overall control of the activities of the Agency at local level and must submit periodic reports on such activities to the Board;

(4) Local Co-ordinators may, subject to laws governing local government, sit in municipal councils in an advisory capacity to assist and guide municipal councils on the implementation of the Integrated Youth Development Strategy and any youth policy determined by the President in terms of this Act.

### **Regulations**

22. (1) The President may, after consultation with the Board, make regulations regarding—

- (a) any matter which in terms of this Act may or must be prescribed by regulation;
- (b) any action in order to promote compliance with this Act; and

(c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

(2) A regulation made under subsection (1) may provide that any person who contravenes a provision thereof, or fails to comply therewith, is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding one year.

### **Judicial management and liquidation of Agency**

23. Despite the provisions of any other law, the Agency may not be placed under judicial management or in liquidation except if authorised by an Act of Parliament adopted specially for that purpose.

### **Transitional provisions**

24. (1) As soon as possible after this Act takes effect the President must, in consultation with the Minister of Finance and subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), transfer the business of the Umsobomvu Youth Fund and the National Youth Commission which includes all assets, liabilities, rights and obligations of the Umsobomvu Youth Fund and the National Youth Commission, to the Agency.

(2) From the date of the transfer contemplated in subsection (1)—

(a) the Umsobomvu Youth Fund is known as the National Youth Fund; and

(b) any reference in any law or document to the Umsobomvu Youth Fund or the Umsobomvu Fund must be regarded to be a reference to the National Youth Fund.

### **Repeal of laws**

25. Subject to section 24, the National Youth Commission Act, 1996, (Act No. 19 of 1996), and the National Youth Commission Amendment Act, 2000 (Act No. 19 of 2000), are hereby repealed.

**Short title and commencement**

**26.** This Act is called the National Youth Development Agency Act, 2008, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.

## **MEMORANDUM ON THE OBJECTS OF THE NATIONAL YOUTH DEVELOPMENT AGENCY BILL, 2008**

### **1. INTRODUCTION**

Following the 1994 democratic breakthrough, youth formations and the government were seized with developing youth focused legislative and policy frameworks. Among these were the National Youth Commission Act (Act No. 19 of 1996), the National Youth Policy 2000 and the National Youth Development Policy framework 2002-2007. While these frameworks outlined country's perspective and institutional arrangements for youth development, some difficulties were experienced. As a result, a National Youth Convention was convened in June 2006 to review the policy perspective and institutional arrangements.

Various youth formations and bodies from all over the country attended the convention and identified the challenges and accordingly passed the necessary resolutions. In particular, the convention adopted an integrated and holistic approach to youth development and called for an integrated youth development strategy. It also decided that the National Youth Commission and Umsobomvu Youth Fund should be collapsed into a single institution, the National Youth Development Agency. This agency would be responsible for – among other things - developing an integrated youth development strategy; coordinating, monitoring and evaluating the implementation of the national youth development strategy.

### **2. OBJECTS OF THE BILL**

The draft National Youth Development Agency Bill seeks to establish a National Youth Development Agency as a structure that would enable, co-ordinate, monitor and evaluate the implementation of an integrated youth policy and strategy. The Bill also seeks to ensure responsiveness to the aspirations and challenges experienced

by the South African youth. Furthermore, it aims to promote youth participation in governance, the economy and society at large.

### **3. CONTENT OF THE BILL**

- 3.1 Clause 1 sets out the definitions of terms used in the Bill.
- 3.2 Clause 2 provides for the establishment of the Agency.
- 3.3 Clause 3 sets out the objects of the Agency.
- 3.4 Clause 4 outlines the principles of youth development.
- 3.5 Clause 5 sets of the functions of the President with regards to the publication of the integrated national youth development strategy.
- 3.6 Clause 6 sets out the functions of the Agency.
- 3.7 Clause 7 outlines the Integrated Youth Development Strategy.
- 3.8 Clause 8 provides for the control and management of affairs of the Agency.
- 3.9 Clause 9 provides for the composition, appointment and conditions of service of the Board.
- 3.10 Clause 10 provides for disqualification, removal from office and resignation of director of Board.
- 3.11 Clause 11 provides for the resolution for removal of director of Board.
- 3.12 Clause 12 sets out the process for meetings of the Board.
- 3.13 Clause 13 establishes committees of the Board.
- 3.14 Clause 14 provides for the appointment of the Chief Executive Officer.
- 3.15 Clause 15 requires the Chief Executive Officer to conclude a written performance agreement in accordance with the Public Finance Management Act.
- 3.16 Clause 16 provides for the appointment of other staff.
- 3.17 Clause 17 provides for delegation and assignment.
- 3.18 Clause 18 provides for the funding and investments of the Agency.
- 3.19 Clause 19 deals with the application of the Public Finance Management Act.
- 3.20 Clause 20 deals with the establishment of provincial boards.
- 3.21 Clause 21 provides for the representation of the Agency at municipal level and the appointment of Local Co-ordinators.
- 3.22 Clause 22 provides for the process of making regulations by the President.
- 3.23 Clause 23 provides for judicial management and liquidation of the Agency.

- 3.24 Clause 24 deals with transitional arrangements.
- 3.25 Clause 25 provides for the repeal of laws.
- 3.26 Clause 26 provides for the short title and commencement of the Bill.

#### **4. DEPARTMENTS/BODIES/PERSONS CONSULTED**

The Ad Hoc Committee invited comments on the Bill when the Bill was published in the *Government Gazette* No... (...2008). Public hearings were held from ...2008.

#### **5. IMPLICATIONS FOR PROVINCES**

None

#### **6. FINANCIAL IMPLICATIONS FOR THE STATE**

#### **7. PARLIAMENTARY PROCEDURE**

7.1 The Parliamentary Law Advisor is of the opinion that the Bill must be dealt with in accordance with the procedure established in section 75 of the Constitution of the Republic of South Africa, 1996.

7.2 The Parliamentary Law Advisor is further of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No.41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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