

PROVINCE OF WESTERN CAPE

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**WESTERN CAPE  
PROVINCIAL YOUTH  
COMMISSION ACT REPEAL BILL**

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*(As introduced)*

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(PREMIER)

[B 5—2009]

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PROVINSIE WES-KAAP

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**WES-KAAPSE WETSONTWERP OP  
DIE HERROEPING VAN DIE WET  
OP DIE PROVINSIALE  
JEUGKOMMISSIE**

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*(Soos ingedien)*

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(PREMIER)

[W 5—2009]

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IPHONDO LENTSHONA KOLONI

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**UMTHETHO OSAYILWAYO  
WOBHANGISO LOMTHETHO  
WEKOMISHONI YOLUTSHA  
WENTSHONA KOLONI**

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*(Njengoko wazisiwe)*

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(YiNkulumbuso)

[B 5—2009]

# BILL

**To repeal the Western Cape Provincial Youth Commission Act, 2004; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

## **Definitions**

1. In this Act, unless the context indicates otherwise—  
    “**Commission**” means the Western Cape Provincial Youth Commission, established by the Act; 5  
    “**Premier**” means the Premier of the Western Cape;  
    “**the Act**” means the Western Cape Provincial Youth Commission Act, 2004 (Act 5 of 2004).

## **Repeal of Act 5 of 2004** 10

2. The Western Cape Provincial Youth Commission Act, 2004, is repealed.

## **Dissolution of the Western Cape Provincial Youth Commission**

3. When this section takes effect—  
    (a) the Commission is dissolved; and  
    (b) all assets, rights, liabilities and obligations of the Commission vest in the Premier. 15

## **Transitional provisions**

4. (1) The Premier may issue directives in so far as may be necessary to give effect to section 3. The concurrence of the Provincial Minister responsible for finance is required for directives that have financial implications. 20  
    (2) After the commencement of this section, and despite anything to the contrary contained in the Act or any other law, no expenditure may be incurred and no contract may be concluded by or on behalf of the Commission without the written consent of the Premier.

## **Short title and commencement** 25

5. (1) This Act is called the Western Cape Provincial Youth Commission Act Repeal Act, 2009.  
    (2) Sections 2 and 3 come into effect on 1 June 2009.

## **EXPLANATORY MEMORANDUM**

### **1. OBJECT OF BILL**

The object of the Bill is to repeal the Western Cape Provincial Youth Commission Act 5 of 2004 (“the WCPYC Act”) and to provide for the dissolution of the Western Cape Provincial Youth Commission (“the Commission”).

### **2. BACKGROUND**

2.1 The WCPYC Act provides for the establishment, composition, objectives and functions of the Commission.

2.2 The Objectives of the Commission are to—

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

2.3 The National Youth Development Agency Act 54 of 2008 (“the National Act”) repeals the National Youth Commission Act 19 of 1996. Furthermore, it provides for the establishment of the National Youth Development Agency (“the Agency”). In terms of the National Act the objects of the Agency include most of the objectives that are set for the Commission in terms of the WCPYC Act.

2.4 The Agency must establish offices at provincial and local levels, and it must appoint personnel to those offices to ensure that the objectives of the Agency are achieved. This means that once the Agency is fully effective its functions will overlap with those of the Commission. There is therefore no longer a need for a separate Provincial Commission.

### **3. CLAUSE BY CLAUSE EXPLANATION**

3.1 Clause 1 provides for definitions.

3.2 Clause 2 repeals the WCPYC Act.

3.3 Clause 3 provides for the dissolution of the Commission and for the vesting of the assets, rights, liabilities and obligations in the Premier.

3.4 Clause 4 provides for transitional provisions and empowers the Premier to issue directives in so far as it is necessary to give effect to clause 3, and further to provide that no expenditure may be incurred and no contract may be concluded by or on behalf of the Commission without the written consent of the Premier.

3.5 Clause 5 provides for the short title and commencement.

#### **4. PERSONNEL IMPLICATIONS**

Most of the administrative staff are in the permanent employ of the Department of the Premier, and they will be redeployed in terms of a personnel plan. The remaining Commissioners' contracts expire on 31 May 2009.

#### **5. FINANCIAL IMPLICATIONS**

The Department of the Premier will have a saving for the 2009/2010 financial year.

#### **6. INSTITUTIONS CONSULTED**

Department of the Premier: Chief Directorate Legal Services.

# WETSONTWERP

**Om die Wes-Kaapse Wet op die Provinsiale Jeugkommissie, 2004, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

## Omskrywings

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
  - “**die Wet**” die Wes-Kaapse Wet op die Provinsiale Jeugkommissie, 2004 (Wet 5 van 2004);
  - “**Kommissie**” die Wes-Kaapse Provinsiale Jeugkommissie, deur die Wet ingestel;
  - “**Premier**” die Premier van die Wes-Kaap.

## Herroeping van Wet 5 van 2004

2. Die Wes-Kaapse Wet op die Provinsiale Jeugkommissie, 2004, word herroep. 10

## Ontbinding van die Wes-Kaapse Provinsiale Jeugkommissie

3. Wanneer hierdie artikel in werking tree,—
  - (a) word die Kommissie ontbind; en
  - (b) berus alle bates, regte, laste en verpligtinge van die Kommissie by die Premier. 15

## Oorgangsbepalings

4. (1) Die Premier kan voorskrifte uitreik in soverre dit nodig mag wees om aan artikel 3 uitvoering te gee. Die instemming van die Provinsiale Minister belas met finansies is nodig vir voorskrifte met finansiële implikasies.
- (2) Na die inwerkingtreding van hierdie artikel, en ondanks andersluidende bepalings van die Wet of enige ander wet, mag geen uitgawes aangegaan word en mag geen kontrak gesluit word deur of namens die Kommissie sonder skriftelike toestemming van die Premier nie. 20

## Kort titel en inwerkingtreding

5. (1) Hierdie Wet heet die Wes-Kaapse Wet op die Herroeping van die Wet op die Provinsiale Jeugkommissie, 2009. 25
- (2) Artikels 2 en 3 tree op 1 Junie 2009 in werking.

## **VERKLARENDE MEMORANDUM**

### **1. DOEL VAN WETSONTWERP**

Die doel van die Wetsontwerp is om die Wes-Kaapse Wet op die Provinsiale Jeugkommissie, Wet 5 van 2004, (“die WKPJK-wet”) te herroep en om voorsiening te maak vir die ontbinding van die Wes-Kaapse Provinsiale Jeugkommissie (“die Kommissie”).

### **2. AGTERGROND**

2.1 Die WKPJK-wet bepaal die instelling, samestelling, oogmerke en funksies van die Kommissie.

2.2 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;
- (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;
- (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 te vorm.

2.3 Die Wet op die Nasionale Jeugontwikkelingsagentskap, Wet 54 van 2008, (“die Nasionale Wet”) herroep die Wet op die Nasionale Jeugkommissie, Wet 19 van 1996. Voorts maak dit voorsiening vir die instelling van die Nasionale Jeugontwikkelingsagentskap (“die Agentskap”). Ingevolge die Nasionale Wet sluit die doeleindes van die Agentskap die meeste van die oogmerke in wat ingevolge die WKPJK-wet vir die Kommissie gestel is.

2.4 Die Agentskap moet kantore op provinsiale en plaaslike vlakke vestig, en personeel vir hierdie kantore aanstel om seker te maak dat die oogmerke van die Agentskap verwesenlik word. Dit beteken dat sodra die Agentskap ten volle werksaam is, sy funksies met dié van die Kommissie sal oorvleuel. Daar is dus nie meer ’n behoefte aan ’n aparte Provinsiale Kommissie nie.

### **3. VERKLARING VAN ELKE KLOUSULE**

3.1 Klousule 1 maak voorsiening vir omskrywings.

3.2 Klousule 2 herroep die WKPJK-wet.

3.3 Klousule 3 maak voorsiening vir die ontbinding van die Kommissie en die bates, regte, laste en verpligtinge berus by die Premier.

3.4 Klousule 4 maak voorsiening vir oorgangsbepalings en bemagtig die Premier om voorskrifte uit te reik in soverre dit nodig mag wees om aan klousule 3 uitvoering te gee, en voorts om voorsiening te maak daarvoor dat geen uitgawes aangegaan en geen kontrak gesluit mag word deur of namens die Kommissie sonder skriftelike toestemming van die Premier nie.

3.5 Klousule 5 maak voorsiening vir die kort titel en die inwerkingtreding.

#### **4. PERSONEELIMPLIKASIES**

Die meeste van die administratiewe personeel is in voltydse diens van die Departement van die Premier, en hulle sal ingevolge 'n personeelplan herontplooï word. Die oorblywende Kommissarisse se kontrakte verval op 31 Mei 2009.

#### **5. FINANSIËLE IMPLIKASIES**

Die Departement van die Premier sal in die 2009/2010-boekjaar 'n besparing hê.

#### **6. INSTANSIES GERAADPLEEG**

Departement van die Premier: Hoofdirekoraat Regsdienste.

# UMTHETHO OYILWAYO

**Ukubhangiswa koMthetho ka 2004 weKhomishoni yoLutsha yePhondo leNtshona Koloni nokubonelela ngemicimbi enxulumene noko.**

**O**LU YILO LOMTHETHO MALWENZIWE LUSEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo:—

## **Inkcazelo**

1. Kulo Mthetho, ngaphandle kokuba imeko yalatha ngenye indlela—
  - “**IKhomishoni**” ithetha iKhomishoni yoLutsha kwiPhondo leNtshona Koloni, ngokusekwa kwayo nguMthetho; 5
  - “**INkulumbuso**” ithetha iNkulumbuso yeNtshona Koloni;
  - “**uMthetho**” uthetha uMthetho ka-2004 weKhomishoni yoLutsha lwePhondo leNtshona Koloni, (uMthetho 5 ka-2004).

## **Ukubhangiswa koMthetho wesi-5 ka-2004** 10

2. UMthetho ka-2004 weKhomishoni yoLutsha lwePhondo leNtshona Koloni uyabhangiswa.

## **Ukuphela kweKhomishoni yoLutsha yePhondo leNtshona Koloni**

3. Xa eli candelo selisebenza—
  - (a) iKhomishoni iyapheliswa; yaye 15
  - (b) zonke izinto zexabiso, amalungelo, amatyala nezibophelelo zeKhomishoni zisezandleni zeNkulumbuso.

## **Amagatya agqithayo**

4. (1) INkulumbuso ingakhupha imigaqo njengoko kunokuba nemfuneko ukuze kusebenze icandelo 3. Imvumelwano yomPhathiswa wePhondo othwele uxanduva lwezimali efunelwa imigaqo emalunga nokusulelwa ngamatyala. 20
- (2) Emva kokuqalisa kweli candelo, nangaphandle kwayo nantoni na echaseneyo equkethe emThethweni okanye nakuwuphi na umthetho, akukho nkcitho imele ukwenziwa yaye akukho sibophelelo kunokwenziwa izigqibo ngaso nguye okanye egameni leKhomishoni ngaphandle kwemvume ebhaliweyo yeNkulumbuso. 25

## **Isihloko esifutshane nokuqalisa**

5. (1) Lo Mthetho ubizwa ngokuba nguMthetho ka-2009 wokuBhangiswa weKhomishoni yoLutsha yePhondo leNtshona Koloni.
- (2) ICandelo lesi-2 nelesi-3 lakuqalisa ukusebenza ngomhla wokuqala (1) kuJuni ka-2009. 30



## **MEMORANDAM ECACISAYO**

### **1. INJONGO YOMTHETHO OYILWAYO**

Injongo yalo Mthetho uYilwayo kukubhangisa uMthetho 5 ka-2004 weKhomishoni yoLutsha kwiPhondo leNtshona Koloni, (“uMthetho we- WCPYC ”) nokubonelela ngokuchithwa kweKhomishoni yoLutsha kwiPhondo iNtshona Koloni (“iKhomishoni”).

### **2. IMVELAPHI**

2.1 UMthetho we-WCPYC ubonelela ngokumiselwa, ngokuqulunqwa, ngeenjongo nangemisebenzi yeKhomishoni.

2.2 Iinjongo zeKhomishoni kukwenza oku—

- (a) ukuphonononga, ukunika ixabiso, ukunika ingxelo ngemeko yolutsha nokuphuhliswa kolutsha kwalo kwiPhondo;
- (b) ukukhuthaza indlela efanayo yokuhlangabezana kwemibutho yonke kaRhulumente wePhondo iNtshona Koloni kwimicimbi enxulumene okanye ebandakanya ulutsha;
- (c) ukuphuhlisa ugxeke-ncomo nezikhokelo ezinxulumene nayo nayiphi na imibandela enakho ukuluchaphazela ulutsha;
- (d) kukumanya ulutsha lweentlanga ezahlukeneyo ngokwemvelaphi yenkcubeko, ngezenkolo okanye kubandakanyo lwezopolitiko ukuze kumiliselwe umoya wothand’uhlanga; kunye
- (e) nokuseka unxibelelwano olusebenzayo phakathi kweKhomishoni yoLutsha kwinqanaba likaZwelonke nelo lePhondo.

2.3 UMthetho 54 ka-2008 we-Arhente yoPhuhliso loLutsha kwinqanaba likaZwelonke, (“uMthetho kaZwelonke”) ubhangisa uMthetho 19 ka-1996 weKhomishoni yoLutsha kwinqanaba likaZwelonke. Kananjalo, ubonelela ngokumiselwa kwe-Arhente yoPhuhliso loLutsha kwinqanaba likaZwelonke (“i-Arhente”). Ngokubhekiselele kuMthetho kaZwelonke izinto zale Arhente ziquka iinjongo ezimiselwe iKhomishoni malunga noMthetho we-WCPYC.

2.4 I-Arhente mayiseke i-ofisi kwinqanaba lephondo neleenqila, yaye mayinyule abasebenzi abazakuba kwezo ofisi ukuze kuqinisekiswa ukuba ziyafezekiswa iinjongo ze-Arhente. Le nto ithetha ukuba xa sele isebenza ngokwaneleyo i-Arhente, imisebenzi yayo iza kuvumelana naleyo yeKhomishoni. Lilonke akusekho mfuneko yeKhomishoni yePhondo eyodwa.

### **3. INKCAZELO YEGATYA NGALINYE**

3.1 IGatya 1 libonelela ngenkcazelo.

3.2 IGatya 2 liyawubhangisa uMthetho we-WCPYC.

3.3 IGatya 3 libonelela ngokuchithwa kweKhomishoni nangokufakwa phantsi kwamagunya eNkulumbuso kwezinto zexabiso/ kwee-asethi, kwamalungelo, kwamatyala nezibophelelo.

3.4 IGatya 4 libonelela ngamagatya agqithayo yaye lixhobisa iNkulumbuso ukuze ikhuphe imigaqo njengoko kunokuba yimfuneko ukuba kuqalise ukusetyenziswa kwegatya 3, kananjalo ngokubonelela ngokuba akukho zindleko kunokungenwa kuzo, kungekho sibophelelo kunokwenziwa izigqibo ngaso yiyo okanye egameni leKhomishoni kungekho mvume ibhaliweyo ivela kwiNkulumbuso.

3.5 IGatya 5 libonelela ngesihloko esifutshane nangoqaliso.

#### **4. OKUBANDAKANYA ABASEBENZI**

Abaninzi kwabaqeshwe kwicandelo lolawulo sebeqeshwe isigxina liSebe leNkulumbuso, yaye umsebenzi abawenzayo nophelisiweyo uya kuvuswa ngokufuduswa kwabo ukuze basebenze kwenye indawo ngokumalunga nesicwangciso sabasebenzi. Eziseleyo izibophelelo zokusebenza kwabo beKhomishoni zakuphelelwa lixesha ngomhla wama-31 kuMeyi ka-2009.

#### **5. OKUBANDAKANYA IZIMALI**

ISEbe leNkulumbuso lakufaka elugcinweni izigidi zeeRandi eziyi-8.5 (R8, 5 million) kulungiselelwa unyaka-mali ka-2009/2010.

#### **6. AMAZIKO EKUBONISWENE NAWO**

ISEbe leNkulumbuso: AbaLawuli abaziiNtloko beeNkonzo zoMthetho.



