

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 189 OF 2024

By the
President of the Republic of South Africa

**COMMENCEMENT OF THE NATIONAL YOUTH DEVELOPMENT AMENDMENT
ACT, 2024 (ACT NO. 11 OF 2024)**

In terms of sections 16 of the National Youth Development Agency Amendment Act, 2024 (Act No. 11 of 2024), I hereby fix the 18th of September 2024 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa on this 16 day of September Two Thousand and Twenty-Four.



PRESIDENT

By order of the President - in - Cabinet



MINISTER OF CABINET

- (c) by the insertion after the definition of “financial year” of the following definitions:
 “**‘gender-based violence’** means violence associated with gender, which includes physical, sexual, domestic, emotional, economic, or psychological abuse or threats of such acts of abuse in public or private life;
‘Integrated Youth Development Strategy’ means the strategy developed to ensure implementation of the National Youth Policy;” 5
- (d) by the insertion after the definition of “members” of the following definitions:
 “**‘Minister’** means the Minister responsible for youth;
‘National Youth Policy’ means the cross-sectoral policy aimed at effecting positive youth development outcomes amongst young people at local, provincial and national spheres of government;
‘non-executive director’ means a member of the Board of Directors who is not part of the executive team of the Agency;
‘organ of state’ has the meaning assigned in section 239 of the Constitution of the Republic of South Africa, 1996;” and 10 15
- (e) by the insertion after the definition of “youth” of the following definition:
 “**‘youth development programmes’** means interventions outlined in the National Youth Policy targeting youth, which seek to improve their lives by meeting their basic physical, developmental and social needs and helping them build their competencies needed to become successful adults.”. 20

Amendment of section 2 of Act 54 of 2008

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Agency is a national public entity as [defined in section 1] listed in Part A of Schedule 3 of the Public Finance Management Act.” 25

Amendment of section 3 of Act 54 of 2008

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The objects of the Agency are to—
- (a) initiate, design, coordinate, monitor, and evaluate youth development programmes at provincial and local levels; 30
- (b) establish annual youth development priorities and report to the Minister on implementation;
- (c) lobby organs of state, the private sector and civil society organisations towards implementation of the national youth development priorities; 35
- (d) broadly promote the interests of the youth, particularly youth who fall within the designated groups contemplated in the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (e) contribute to development of the National Youth Policy and an Integrated Youth Development Strategy for South Africa; and 40
- (f) develop guidelines for implementation of the Integrated Youth Development Strategy; and
- (g) promote a uniform approach in youth development across organs of state, the private sector and civil society.”.

Amendment of section 5 of Act 54 of 2008

4. Section 5 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) establish competencies and capabilities in its operations, including the following functional areas[—]; 5

(i) **[National Youth Service and Social Cohesion]** national youth service;

(ii) **[Economic Participation]** economic transformation, job creation and entrepreneurial support; 10

(iii) **[Policy, Research and Development]** research and development;

(iv) **[Governance, Training and Development]** governance, skills development and training;

(v) **[Youth Advisory and Information Services]** youth advisory and information services; [and] 15

(vi) **[National Youth Fund]** national youth fund; and

(vii) management of interventions needed to assist the youth to find employment;”;

(b) by the deletion in subsection (2) of paragraph (a); 20

(c) by the substitution for subsection (4) of the following subsection:

“(4) The Agency must, for purposes of subsection (3) and within its available resources, amongst others—

(a) provide youth advisory and information services including information on the products and services of the Agency; 25

(b) provide career guidance services in collaboration with relevant partners;

(c) provide skills training to youth including personal development and life skills;

(d) contribute to the development of youth policy in the country; 30

(e) support youth work, education and training;

(f) provide funding in the prescribed manner and capacity building to small, micro and medium enterprises, youth owned cooperatives, individual youth, youth serving and youth led organisations that advance the Agency’s mandate; 35

(g) support and mentor young entrepreneurs;

(h) design and implement youth employment programmes, including developing a database of unemployed youth and employment opportunities;

(i) assist in promoting healthy lifestyles amongst the youth; 40

(j) assist in designing and implementing programmes that reduce risky behaviour;

(k) assist in promoting mental health amongst the youth;

(l) coordinate and implement the national youth service;

(m) assist in developing norms and standards, as well as implementation guidelines; 45

(n) assist by providing technical support in legislation and strategy development; and

(o) conduct research that impacts on youth.”.

(d) by the addition of the following subsection: 50

“(5) The Agency must perform any other function as determined by the Minister.”.

Substitution of section 6 of Act 54 of 2008

5. The following section is hereby substituted for section 6 of the principal Act:

“Reporting by Agency

6. (1) The Agency must, at least once every two years, in the prescribed manner, prepare and submit to the Minister a report on the status of youth in the Republic.

(2) The Agency must—

- (a) in accordance with the Public Finance Management Act, submit to the Minister a report on the financial status of the Agency; and
 (b) supply the Minister with information in connection with the activities of the Agency, upon written request of the Minister.

(3) The Minister must table the reports contemplated in subsections (1) and (2) in Parliament within 90 days of receipt thereof.

(4) The Agency must, by notice in the *Gazette*, publish the reports contemplated in subsections (1) and (2) within a reasonable time after they have been tabled in Parliament.”

Substitution of section 7 of Act 54 of 2008

6. The following section is hereby substituted for section 7 of the principal Act:

“Role of organs of state in supporting Agency

7. Subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), organs of state must assist the Agency as may reasonably be required for the effective exercise of its powers and the performance of its functions.”

Substitution of section 8 of Act 54 of 2008

7. The following section is hereby substituted for section 8 of the principal Act:

“Governance responsibilities of Board

8. The control and management of the affairs of the Agency is managed by the Board, and the Board must—

- (a) within 12 months of this section coming into operation, determine—
 (i) a strategic plan;
 (ii) an operational plan;
 (iii) a succession plan; and
 (iv) an Agency charter that outlines the rights and responsibilities of the Agency including a governance checklist;

(b) monitor and evaluate compliance by the Agency with this Act and any other functions that the Minister may determine; and

(c) manage the financial and other resources in accordance with the Public Finance Management Act and any other applicable law.”

Amendment of section 9 of Act 54 of 2008

8. Section 9 of the principal Act is hereby amended—

- (a) by the substitution for the heading of the following heading:

“Composition, appointment and conditions of service of [the] Board”;

- (b) by the substitution for subsection (1) of the following subsection:
 “(1) The Board consists of—
 (a) seven members, two [(2)] of whom are executive directors appointed by the President on recommendation of the National Assembly; 5
 (aA) two *ex-officio* members, without voting rights, designated by the Minister from the Department and acting in an advisory capacity; and
 (b) the Chief Executive Officer, who is an *ex-officio* member of the Board without voting rights.”. 10
- (c) by the deletion of subsection (2);
- (d) by the substitution for subsection (4) of the following subsection:
 “(4) Members must broadly reflect the demographics and geographical spread of the Republic and must—
 (a) be a South African Citizen between the ages of 18 and 35 years; 15
 (b) have relevant knowledge, expertise, experience or qualifications in youth development, social development, financial field, legal field or any other field considered necessary for advancement of the Agency’s mandate; 20
 (c) be allowed to finish their term of office, if they turn 35 years whilst in office; and
 (d) be committed to advance the vision, mission, goal, objectives, values and principles as enunciated in the National Youth Policy.”. 25
- (e) by the substitution in subsection (5) for paragraph (a) of the following paragraph:
 “(a) The President must designate one of the members as the chairperson and another member as a deputy chairperson and both are executive directors referred to in subsection (1)(a).”.
- (f) by the substitution for subsection (6) of the following subsection:
 “(6) Members hold office for a term of three [(3)] years and may not be reappointed for more than two terms.”. 30
- (g) by the addition to subsection (7) of the following paragraph, the existing subsection becoming paragraph (a):
 “(b) Should both the chairperson and deputy chairperson not be able to fulfil their responsibilities, the Minister may appoint any of the members contemplated in subsection (1)(a) to temporarily act as chairperson or deputy chairperson for a period not exceeding six months.”; 35
- (h) by the deletion of subsection (9);
- (i) by the substitution for subsection (10) of the following subsection: 40
 “(10) The conditions of service of members are determined by the [President] Minister in consultation with the Minister of Finance.”; and
- (j) by the substitution for subsection (11) of the following subsection:
 “(11) Members who are employed by an organ of state are not entitled to remuneration, [or any allowance,] but must be reimbursed for 45
 out-of-pocket expenses by the [Board] Agency.”.

Amendment of section 10 of Act 54 of 2008

9. Section 10 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading: 50
 “**Disqualification, removal from office [and], resignation of members and filling vacancy during term**”;
- (b) by the substitution for subsection (1) of the following subsection:
 “(1) A person may not be appointed or continue to serve as a member if he or she—
 (a) is an unrehabilitated insolvent; 55

- (b) has been—
- (i) convicted of any criminal offence and sentenced to imprisonment without the option of a fine; or
 - (ii) convicted and fined more than the prescribed amount, for theft, fraud, forgery, perjury, an offence in connection with the promotion, formation or management of a company, any violation of the Public Finance Management Act or any offence involving dishonesty; or
 - (iii) convicted of a gender-based violence and femicide-related offence;
- (c) has been removed from an office of trust as a result of improper conduct, including sexual harassment, corruption, theft or fraud;
- (d) has been declared to be of unsound mind by a court;
- (e) is placed under curatorship; or
- (f) fails to submit his or her annual financial disclosure in the prescribed form and manner without good cause on more than one occasion.”
- (c) by the substitution for subsection (2) of the following subsection:
- “(2) The President may, on recommendation [of] by the [Parliament] National Assembly, remove a member from office if the member—
- (a) [commits a] is found guilty of misconduct;
 - (b) is unable to perform his or her duties efficiently;
 - (c) is [absence] absent from three [(3)] consecutive meetings of the Board without permission of the Board or good cause; or
 - (d) [becomes] is disqualified as contemplated in subsection (1).”;
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) The President, on recommendation by the Minister, may suspend a member from office any time after the start of the proceedings [of Parliament] for the removal of a member on any of the grounds contemplated in subsection (2).”;
- (e) by the addition of the following subsections:
- “(5) A vacancy in the Board occurs if a member—
- (a) is subject to a disqualification contemplated in subsection (1);
 - (b) is removed from office in terms of subsection (2);
 - (c) resigns from office; or
 - (d) dies.
- (6) When a vacancy arises as contemplated in subsection (5), the President, on the recommendation of the Minister, may appoint a person from the recent list of persons recommended by the National Assembly in terms of section 9(1)(a).
- (7) A person appointed in terms of subsection (6) holds office for the unexpired portion of the term of the member he or she replaces.
- (8) Where the Board is no longer quorate due to vacancies resulting from mass resignations or there are unanticipated delays in filling the vacancies of the Board, the Minister shall—
- (a) make a recommendation to the President to dissolve the Board;
 - (b) manage the appointment process of an interim Board in the prescribed manner; and
 - (c) recommend candidates to the President for appointment to the interim Board.
- (9) The President must designate one of the members of the interim Board as the chairperson and another member as the deputy chairperson, both of whom shall be executive members of the interim Board.
- (10) The interim Board shall perform the functions of the Board until a new Board is appointed.

(11) A majority of Board members constitutes a quorum at a Board meeting.”.

Amendment of section 11 of Act 54 of 2008

10. Section 11 of the principal Act is hereby amended by the insertion after subsection (7) of the following subsection: 5

“(7A) If a Board member fails to disclose any interest as required by subsection (7) and where he or she is present at the venue where the meeting of the Board is held or in any manner whatsoever participates in the proceedings of the Board, the relevant proceedings of the Board shall be null and void.”.

Amendment of section 12 of Act 54 of 2008 10

11. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Board may establish Committees, including the [:]—

(a) Executive [**Management**] Committee;

[(b) Credit Risk Committee;] 15

(c) Human Resource and Remuneration Committee;

(d) Audit and Risk Committee [**in accordance with Treasury guidelines regarding the formation of Audit Committees as provided for in section 77 of the PFMA; and**];

(e) Development Committee; 20

(f) Social and Ethics Committee;

(g) Information Communication Technology Committee; and

(h) any other Committee,

to assist in the performance of its functions.”.

Amendment of section 17 of Act 54 of 2008 25

12. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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**] a Committee referred to in section 12.”. 30

Amendment of section 18 of Act 54 of 2008

13. Section 18 of the principal Act is hereby amended by the deletion of paragraph (a) in subsection (1).

Amendment of section 19 of Act 54 of 2008

14. Section 19 of the principal Act is hereby amended by substitution of the words 35 preceding paragraph (a) of the following words:

“The [**President**] Minister may, after consultation with the Board, make regulations regarding—”.

Amendment of Arrangement of Sections of Act 54 of 2008

15. The Arrangement of sections of the principal Act is hereby amended— 40

- (a) by the substitution for the item relating to section 2 of the following item:
“2 Establishment of [**the**] Agency”;
- (b) by the substitution for the item relating to section 3 of the following item:
“3 Objects of [**the**] Agency”;

- (c) by the substitution for the item relating to section 5 of the following item:
“5 Functions of **[the]** Agency”;
- (d) by the substitution for the item relating to section 6 of the following item:
“6 Reporting by **[the]** Agency”;
- (e) by the substitution for the item relating to section 7 of the following item: 5
“7 Roles of organ of state in supporting Agency”;
- (f) by the substitution for the item relating to section 8 of the following item:
“8 Governance responsibilities of Board”;
- (g) by the substitution for the item relating to section 9 of the following item:
“9 Composition, appointment and conditions of service of **[the]** Board”; and 10
- (h) by the substitution for the item relating to section 10 of the following item:
“10. Disqualification, removal from office **[and]**, resignation of **[director]**
member and filling vacancy during term”.”

Short title and commencement

16. This Act is called the National Youth Development Agency Amendment Act, 15
2024, and takes effect on a date determined by the President by proclamation in the
Gazette.