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2 September 2024

No. 51164

THE PRESIDENCY

No. 5171 2 September 2024

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 11 of 2024: The National Youth Development Agency Amendment Act, 2024

UMONGAMELI

No. 5171 2 September 2024

Kwaziswa ukuthi uMongameli uvumile uMthetho olandelayo oshicilelwa lapha ukuze kwaziwe wonke umuntu:—

No. 11 Ka
isikhungo sik
intsha, 2024



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 10 July 2024)

ACT

To amend the National Youth Development Agency Act, 2008, so as to insert new definitions; to amend the provisions relating to the objects of the Agency; to amend the functions of the Agency; to amend provisions relating to reporting by the Agency; to provide for organs of state to assist the Agency; to provide for the governance responsibilities of the Board; to provide for additional Board members; to provide that a Board member may not be reappointed for more than two terms; to provide additional grounds for disqualification; to provide for filling of vacancy during term; to amend matters pertaining to the meetings of the Board; to amend the funding of the Agency; to authorise the Minister to make regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 2008

1. Section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008) (hereinafter referred to as the “principal Act”), is hereby amended— 5

(a) by the omission of the definitions of “organ of state” and “Integrated Youth Development Strategy”;

(b) by the insertion after the definition of “Board” of the following definitions:

- “ **‘chairperson’** means a member designated as such in terms of section 9(5)(a); 10
- ‘Chief Executive Officer’** means a person appointed in terms of section 13(1);
- ‘civil society organisation’** means a civil society organisation, as defined in section 1 of the National Development Agency Act, 1998 (Act No. 108 of 1998); 15
- ‘Department’** means the department responsible for youth;
- ‘femicide’** means the killing of a female person or any person on the basis of gender identity as identified as female, whether committed by a person within a domestic relationship, interpersonal relationship or by any other person;”;

UMBHALO OCHAZA OKUJWAYELEKILE:

- [] Amagama akubakaki abayisikwele amele okukhishwe emthethweni osebenzayo.
- _____ Amagama adwetshelwe ngomugqa oqamile okufakiwe emthethweni osebenzayo.

(English text signed by the President)
(Assented to 10 July 2024)

UMTHETHO

Ukuchibiyela uMthetho Wesikhungo Sikazwelonke Sokuthuthukisa Intsha, wezi-2008, ukuze kufakwe izincazelo ezintsha; ukuchibiyela imihlinzeko ephathelene nezinjongo zesiKhungo; ukuchibiyela imisebenzi yesiKhungo; ukuchibiyela imihlinzeko ephathelene nokubika yesiKhungo; ukuhlinzekela izinhlaka zikahulumeni ukuthi zisize isiKhungo; ukuhlinzekela izibopho zokuphatha zeBhodi; ukuhlinzekela amalungu eBhodi engeziwe; ukuhlinzekela ngokuthi ilungu leBhodi lingene liphinde liqokwe amahlandla angaphezu kwamabili; ukuhlinzekela ngezizathu ezengeziwe zokungafaneleki; ukuhlinzekela ukugwaliswa kwesikhala ngesikhathi sethemu; ukuchibiyela izindaba eziphathelene nemihlangano yeBhodi; ukuchibiyela uxhaso lwezimali lweziKhungo; ukugunyaza uNgqongqoshe ukuthi enze imithethonqubo; kanye nokuhlinzekela izindaba ezihlobene nalokho.

UZOMISWA yiPhalamende laseRiphabhulikhi yaseNingizimu Afrika ngale ndlela elandelayo:—

Ukuchibiyela isigaba soku-1 soMthetho wama-54 wezi-2008

1. Ngakho-ke isigaba soku-1 soMthetho Wesikhungo Sikazwelonke Sokuthuthukisa Intsha, wezi-2008 (uMthetho 54 wezi-2008) (kulokhu owaziwa “njengoMthethongqangi”), siyachitshiyelwa— 5

(a) ngokususa izincazelo zala magama “isikhungo sikahulumeni” kanye nelithi “Isu Lokuhlanganiswa Kokuthuthukiswa Kwentsha”;

(b) ngokushutheka ngemuva kwencazelo “IBhodi” lezi zincazelo ezilandelayo:

“**‘usihlalo’** kushiwo umuntu oqokwe kanjalo ngokwesigaba sesi-9(5)(a); 10

‘Isikhulu esiwuMlawuli Oyinhloko’ kushiwo umuntu oqokwe ngokwesigaba se-13(1);

‘inhlango yomphakathi’ kushiwo inhlango yomphakathi, njengoba kuchaziwe esigabeni soku-1 soMthetho Wesikhungo Sikazwelonke Sokuthuthukisa, we-1998 (uMthetho 108 we-1998); 15

‘Umanyango’ kushiwo umnyango obhekelele intsha;

‘ukubulawa kwabesifazane’ kushiwo ukubulawa komuntu wesifazane noma yimuphi omunye umuntu ngenxa yobulili, noma lowo ozibona njengomuntu wesifazane, noma ngabe leso senzo senziwe umuntu abasebudlelwaneni basekhaya naye, ubudlelwane obujwayelekile baphakathi kwabantu noma yinoma imuphi omunye umuntu;” 20

- (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; 10
‘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 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.”.

- (c) ngokushutheka ngemuva kwencazelo “unyaka wezimali” lezi zincazelo ezilandelayo:
- “**udlame lobulili**’ kushiwo udlame oluhambisana nobulili, okuhlanganisa ukuhlukumeza ngokomzimba, ngokocansi, udlame lwasekhaya, ngokomoya, kwezomnotho, noma ngokwengqondo noma izinsongo zalezo zenzo zokuhlukumeza emphakathini noma empilweni yangasese;”;
- ‘**Isu Elihlanganisiwe Lokuthuthukiswa Kwentsha**’ kushiwo isu elisungulelwe ukuqinisekisa ukuqaliswa kweNqubomgomo Kazwelonke Yentsha;”
- (d) ngokushutheka ngemuva kwencazelo “amalungu” lezi zincazelo ezilandelayo:
- “**UNgqongqoshe**’ kushiwo uNgqongqoshe obhekele intsha;
- ‘**Inqubomgomo Kazwelonke Yentsha**’ ichaza inqubomgomo yezigaba ezahlukene okuhloswe ngayo ukuze imiphumela emihle yokuthuthukiswa kwentsha kubantu abasha emazingeni kahulumeni wasekhaya, wesifundazwe kanye nokazwelonke;
- ‘**umqondisi ongesona isiphathimandla**’ kushiwo ilungu leBhodi labaQondisi elingeyona ingxenywe yethimba leziphathimandla zesiKhungo;
- ‘**isikhungo sikahulumeni**’ sinencazelo esinikezwe yona esigabeni sama-239 soMthethosisekelo weRiphabhulikhi yeNingizimu Afrika, we-1996;”;
- (e) ngokushutheka ngemuva kwencazelo “intsha” le ncazelo elandelayo:
- “**izinhlelo zokuthuthukisa intsha**’ zisho ukungenelela okuqezwe kwiNqubomgomo Kazwelonke Yentsha eqondiswe entsheni, efuna ukwenza ngcono izimpilo zayo ngokuhlangabezana nezidingo zayo eziyisisekelo zenyama, zentuthuko nezinhlelo kanye nokubasiza bakhe amakhono abo adingekayo ukuze babe abantu abadala abaphumelelayo.”

Ukuchibiyela isigaba sesi-2 soMthetho wama-54 wezi-2008

2. Ngakho-ke isigaba sesi-2 soMthethongqangi sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:
- “(2) ISikhungo siyinkampani yomphakathi kazwelonke [**njengoba ichaziwe esigabeni 1**] njengoba sibhaliwe eNgxenyeni A yeSheduli 3 soMthetho Wokuphathwa Kwezimali Zikahulumeni, we-1999 (uMthetho 1 we-1999).”

Ukuchibiyela isigaba sesi-3 soMthetho wama-54 wezi-2008

3. Ngakho-ke isigaba sesi-3 soMthethongqangi sichitshiyelwe ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo:
- “(1) Izinhlalo zeSikhungo—
- (a) ukuqala, ukuklama, ukudidiyela, ukuqapha, nokuhlola izinhlelo zokuthuthukiswa kwentsha emazingeni ezifundazwe nawendawo;
- (b) ukusungula izinto ezibalulekile zonyaka zokuthuthukiswa kwentsha bese sibika kuNgqongqoshe ngokusetshenziswa;
- (c) ukunxenxa izikhungo zikahulumeni, imboni ezimele kanye nezinhlangano zomphakathi mayelana nokuqaliswa kwezidingongqangi zokuthuthukiswa kwentsha kuzwelonke;
- (d) ukukhuthaza ngokubanzi izidingo zentsha, ikakhulukazi intsha engana ngaphansi kwamaqembu aqokiwe, okukhulunywa ngawo kuMthetho Wokuqasha Ngokulinganayo, we-1998 (uMthetho 55 we-1998);
- (e) ukufaka isandla ekuthuthukisweni kweNqubomgomo Kazwelonke Yentsha kanye Nesu Elihlanganisiwe Lokuthuthukiswa Kwentsha eNingizimu Afrika; kanye
- (f) ukusungula imihlahlandlela yokuqaliswa Kwesu Elihlanganisiwe Lokuthuthukiswa Kwentsha; kanye
- (g) ukukhuthaza indlela efanayo ekuthuthukisweni kwentsha kuzo zonke izikhungo zikahulumeni, imboni ezimele kanye nomphakathi.”

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[—]:
- (i) **[National Youth Service and Social Cohesion]** national youth service; 5
 - (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;”; 20

(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.”. 50

(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:

Ukuchibiyela isigaba sesi-5 soMthetho wama-54 wezi-2008

4. Ngakho-ke isigaba sesi-5 soMthethongqangi sichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) kwindima (a) le ndima elandelayo:
- “(a) sakhe izimo zokuhlola ubungcweti nokwazi ukwenza izinto ezithile emsebenzi waso kubalwa nezindawo zokusebenza ezilandelayo [—]:
- (i) [ISikhungo Sentsha Sezinsiza Sikazwelonke noKubambisana Komphakathi] isevisi yentsha kazwelonke;
 - (ii) [Ukuzibandakanya Kwezomnotho] uguquko kwezomnotho, ukwakhiwa kwamathuba emisebenzi, kanye nokwesekwa kwamabhizinisi;
 - (iii) [UMthethomgomo, Ucwangingo kanye Nentuthuko] ucwangingo kanye neNtuthuko;
 - (iv) [Ukubusa, Ukuqeqesha kanye Nentuthuko] ukubusa, ukuthuthukiswa kwamakhono nokuqeqeshwa;
 - (v) [Isakhiwo Sokwelulekwa Kwentsha neZinsiza Zezokwazisa]; [kanye]
 - (vi) [NeSikhwama Sentsha Sikazwelonke] isikhwama sentsha sikazwelonke; kanye
 - (vii) ukulawula ukungenelela okudingekayo ukusiza intsha ithole umsebenzi;”;
- (b) Ngokususa isigatshana sesi-(2) sendima (a);
- (c) Ngokufaka endaweni yesigatshana sesi-(4) lesi sigatshana esilandelayo:
- “(4) Isikhungo ngokwezinjongo zesigatshana sesi-(3) kanye-nangokwezinsiza zaso ezikhona, kufanele phakathi kokunye—
- (a) sihlinzeke ngosizo lokwelulekwa kwentsha nolwazi oluhlenganisa ulwazi ngemikhiqizo nemisebenzi yesiKhungo;
 - (b) sihlinzeke ngosizo lokukhetha imikhakha yezemfundo noma yemisebenzi, ngokubambisana namaqembu afanele;
 - (c) sihlinzeke ngokuqeqeshelwa amakhono entsheni okuhlenganisa ukuzithuthukisa kanye namakhono empilo;
 - (d) sifake isandla ekuthuthukisweni kwenqubomgomo yentsha ezweni;
 - (e) siseke umsebenzi wentsha, imfundo nokuqeqeshwa;
 - (f) sihlinzeke ngezimali ngendlela enqunyiwe kanye nokwakhiwa kwamandla amabhizinisi amancane, asafufusa naphakathi nendawo, imifelandawonye ephethwe yintsha, intsha ngayinye, izinhlangano ezisebenzela intsha neziholwa yintsha eziqhubekisela phambili umsebenzi wesikhungo;
 - (g) siseke futhi siluleke osomabhizinisi abancane;
 - (h) sisungule futhi siqalise izinhlelo zokuqashwa kwentsha, okuhlenganisa ukusungula isizindalwazi sentsha engasebenzi namathuba emisebenzi;
 - (i) sisize ekuthuthukiseni indlela yokuphila enempilo entsheni;
 - (j) sisize ukusungula nokuqalisa izinhlelo ezinciphisa ukuziphatha okuyingozi;
 - (k) sisize ekukhuthazane ukunakekelwa kwesimo somqondo entsheni;
 - (l) sididiyele futhi siqalise isikhungo sentsha sezinsiza sikazwelonke;
 - (m) sisize ukusungula izinkambiso nemigomo, kanye nemihlahlandlela yokuqalisa;
 - (n) sisize ukuhlinzeka ngosizo lwezobuchwepheshe emthethweni nasekusungulweni kwesu; futhi
 - (o) senze ucwangingo oluthinta intsha.”
- (d) ngokufaka lesi sigatshana esilandelayo:
- “(5) Isikhungo kumele senze noma yimuphi omunye umsebenzi njengoba kunqunywe nguNgqongqoshe.”.

Ukufaka endaweni yesigaba sesi-6 soMthetho wama-54 wezi-2008

5. Ngakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-6 soMthethongqangi:

“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. 5
- (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. 10
- (3) The Minister must table the reports contemplated in subsections (1) and (2) in Parliament within 90 days of receipt thereof. 10
- (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 15

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.” 20

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— 25

- (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; 30
- (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.” 35

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: 40
“Composition, appointment and conditions of service of [the] Board”;

“Umbiko weSikhungo

6. (1) Isikhungo kumele okungenani kanye njalo eminyakeni emibili, ngendlela enqunyiwe, silungise bese sihambisa umbiko kuNgqongqoshe mayelana nesimo entsha kwiRiphabhulikhi. 5
- (2) Isikhungo kumele—
- (a) ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni, sithumele kuNgqongqoshe umbiko ngesimo sezimali sesiKhungo; futhi
- (b) sinikeze uNgqongqoshe ulwazi mayelana nemisebenzi yesiKhungo, ngesicelo esibhaliwe sikaNgqongqoshe. 10
- (3) UNgqongqoshe kufanele ethule imibiko ehlongozwe ezigatshaneni (1) kanye no-(2) ePhalamende zingakapheli izinsuku ezingama-90 eyitholile.
- (4) IsiKhungo kufanele, ngesaziso kwiGazethi, sishicilele imibiko ehlongozwe ezigatshaneni (1) kanye no (2) esikhathini esikahle ngemva kokuba sezethuliwe ePhalamende.”. 15

Ukufaka endaweni yesigaba sesi-7 soMthetho wama-54 wezi-2008

6. Ngakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-7 soMthethongqangi:

“Iqhaza lezinhlaka zikahulumeni ekwesekeni isiKhungo 20

7. Ngokuya ngokwe-Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), izinhlaka zikahulumeni kufanele zisize isiKhungo ngendlela okungadingeka ngayo ukuze sisebenzise amandla aso ngempumelelo kanye nokwenza imisebenzi yaso.”.

Ukufaka endaweni yesigaba sesi-8 soMthetho wama-54 wezi-2008 25

7. Ngakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-8 soMthethongqangi:

“Izibopho zokuphatha zeBhodi

8. Ukulawulwa nokuphathwa kwezindaba zesiKhungo kulawulwa iBhodi futhi iBhodi kufanele— 30
- (a) zingakapheli izinyanga eziyi-12 lesi sigaba siqala ukusebenza, liqhamuke nalokhu —
- (i) uhlelo olunesu;
- (ii) uhlelo lokusebenza;
- (iii) uhlelo lokudluliselwa kwezikhundla zokuphatha; kanye 35
- (iv) umqulu wesikhungo oveza amalungelo kanye nezibopho zesiKhungo kubandakanya nohlu lokuhlola ukubusa;
- (b) liqaphe futhi lihlale ukuthobela uMthetho kweSikhungo kanye nanoma yimiphi eminye imisebenzi uNgqongqoshe angayinquma; futhi 40
- (c) ukuphatha izimali kanye nezinye izinsiza ngokuhambisana noMthetho Wokuphathwa Kwezimali Zikahulumeni kanye nanoma yimiphi omunye umthetho osebenzayo.”.

Ukuchibiyela isigaba sesi-9 soMthetho wama-54 wezi-2008

8. Ngakho-ke isigaba sesi-9 soMthethongqangi sichitshiyelwe— 45
- (a) ngokufaka endaweni yesihloko, lesi sihloko esilandelayo: “Amalunga eBhodi, ukubekwa kwawo kanye nemibandela yokusebenza kweBhodi”;

- (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;
 - (c) be allowed to finish their term of office, if they turn 35 years whilst in office; and 20
 - (d) be committed to advance the vision, mission, goal, objectives, values and principles as enunciated in the National Youth Policy.”.
- (e) by the substitution in subsection (5) for paragraph (a) of the following paragraph: 25
 - “(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 out-of-pocket expenses by the [Board] Agency.”. 45

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) ngokufaka endaweni yesigatshana soku-(1), lesi sigatshana esilandelayo:
 “(1) Ibhodi liqukethe—
 (a) amalungu ayisikhombisa, amabili kuwo [(2)] angabaqondisi abakhulu, aqokwe uMongameli ngokwezincimo zesiGungu sikaZwelonke; 5
 (aA) amalungu amabili, angenawo amalungelo okuvota, aqokwe uNgqongqoshe ovela eMnyangweni futhi asebenza ukunika izeluleko; kanye
 (b) Nesikhulu esinguMlawuli Oyinhloko, esasiyilungu leBhodi esingenawo amalungelo okuvota.” 10
- (c) ngokususa isigatshana sesi-(2);
 (d) ngokufaka endaweni yesigatshana sesi-(4), lesi sigatshana esilandelayo:
 “(4) Amalungu kumele akhombise ngokubanzi ukumeleleka kwezinhlanga ezehlukene nobulili kanye nezindawo ezehlukene kwiRiphabhulikhi futhi kumele— 15
 (a) libe isakhamuzi saseNingizimu Afrika esiphakathi kweminyaka eyi-18 kuya kwengama-35;
 (b) libe nolwazi olufanele, ubungcweti, isipiliyoni noma iziqu ekuthuthukisweni kwentsha, ekuthuthukisweni komphakathi, emkhakheni wezezimali, emkhakheni wezomthetho nanoma yimuphi omunye umkhakha othathwa njengobalulekile ukuze kuthuthukiswe umyalelo wesiKhungo; 20
 (c) livunyelwe ukuqeda isikhathi salo sokubusa, uma lihlanganisa iminyaka engama-35 lisasesikhundleni; futhi
 (d) sizibophezele ekuqhubekiseleni phambili umbono, umgomo, umgomo, izinjongo, izimiso kanye nemigomo njengoba kubaluliwe kwiNqubomgomo Kazwelonke Yentsha.” 25
- (e) ngokufaka endaweni yesigatshana sesi-(5) sendima (a) le ndima elandelayo:
 “(a) UMongameli kumele abeke oyedwa kumalungu njengosihlalo kanye noyedwa njengesekela sihlalo futhi bobabili babizwa ngabaqondisi abakhulu okukhulunywe ngabo kwisigatshana (1)(a).” 30
- (f) ngokufaka endaweni yesigatshana sesi-(6), lesi sigatshana esilandelayo:
 “(6) Amalungu agcina izikhundla zawo iminyaka emithathu [(3)] futhi angeke aphinde aqokwe amahlandla angaphezu kwamabili.” 35
- (g) ngokwengeza isigatshana sesi-(7) sale ndima elandelayo, isigatshana esikhona sibe yindima (a):
 “(b) Uma kwenzeka bobabili usihlalo kanye nesekele likasihlalo bengakwazi ukufeza izibopho zabo, uNgqongqoshe angaqoka noma yiliphi ilungu kumalungu ahlolongozwe esigatshaneni soku-(1)(a) ukuthi lisebenze okwesikhashana njengosihlalo noma njengesekela likasihlalo isikhathi esingeqile ezinyangeni eziyisithupha.”; 40
- (h) ngokususa isigaba sesi-(9);
 (i) ngokufaka endaweni yesigatshana se-(10) lesi sigatshana esilandelayo:
 “(10) Imibandela yokusebenza kwamalungu inqunywa [**uMongameli**] uNgqongqoshe ngokuxoxisana noNgqongqoshe Wezezimali.”; 45
 futhi
 (j) ngokufaka endaweni yesigatshana se-(11) lesi sigatshana esilandelayo:
 “(11) Amalungu aqashwe kwizinhlanga zikahulumeni akumele ahole, [**noma anikwe izimali ezithile,**] kodwa kumele abuyiselwe izimali zezindleko [**zeBhodi**] zesiKhungo ezidle kuwo emaphaketheni.”. 50

Ukuchibiyela isigaba se-10 soMthetho wama-54 wezi-2008

9. Ngakho-ke isigaba se-10 soMthethongqangi sichitshiyelwe—
 (a) Ngokufaka endaweni yesihloko, lesi sihloko esilandelayo:
 “**Ukuphikiswa kokubekwa, ukukhishwa ehhovisi [kanye], nokusula ezikhundleni kwamalungu kanye nokugwaliswa kwezikhala phakathi nethemu;** 55
 (b) Ngokufaka endaweni yesigatshana soku-(1), lesi sigatshana esilandelayo:
 “(1) Umuntu akumele abekwe noma aqhubeke nokusebenza njengelungu uma—
 (a) esesezikweletini angekakwazi ukuzikhokhela; 60

- (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.

- (b) uma—
- (i) eke wagwetshelwa icala lobugebengu futhi wagqunywa ejele ngaphandle kokukhethiswa inhlawulo; noma
- (ii) eke wagwetshwa futhi ehlawuliswe ngaphezu kwemali ebhaliwe ngenxa yokweba, ukukhwabanisa, inkohliso, ukufungela amanga, icala elihambisana nokugququzelwa, ukusungulwa kanye nokuphathwa kwenkampani noma iluphi uhlobo lokuphulwa komthetho woMthetho Wokuphathwa Kwezimali noma iliphi icala elibandakanya ukungethembeki; noma
- (iii) eke wagwetshelwa icala lokwenza udlame lobulili kanye nelihlobene nokubulawa kwabantu besifazane;
- (c) esusiwe esikhundleni sokwethenjwa njengomphumela wokungaziphathi kahle, okuhlanganisa ukuhlukumeza ngokocansi, inkohlakalo, ukweba noma ukukhwabanisa;
- (d) ilungu limenyazelwe yinkantolo njengelingaphilile ngokwengqondo
- (e) libekwe ngaphansi kwamengameli obekwe inkantolo; noma
- (f) ezikhathini eziningi nangaphandle kwesizathu esizwakalayo ehluleka ukuhambisa ukudalula kwezezimali zakhe zonyaka ngendlela nangefomu elinqunyiwe.”
- (c) ngokufaka endaweni yesigatshana sesi-(2), lesi sigatshana esilandelayo:
“(2) UMongameli ngezincomo **[zePhalamende]** zeSigungu Sikazwelonke, angasusa ilungu esikhundleni uma—
- (a) ilungu **[lenza isenzo]** litholakala linecala lokungaziphathi kahle;
- (b) ilungu lingakwazi ukwenza imisebenzi yalo ngendlela efanele;
- (c) ilungu liphutha emihlanganweni emithathu **[(3)]** elandelanayo yeBhodi ngaphandle kwemvume yeBhodi noma kwesizathu esizwakalayo; noma
- (d) **[kwenzeka kuphikiswa ukubekwa kwalo]** litholakala lingafanelekile njengoba kuchaziwe esigatshaneni soku-(1).”;
- (d) ngokufaka endaweni yesigatshana sesi-(4), lesi sigatshana esilandelayo:
“(4) UMongameli, ngesincomo sikaNgqongqoshe, angamisa ukusebenza kwelungu noma inini ngemuva kokuba sekuqale izinhlelo **[zePhalamende]** zokususa ilungu ngananoma yisiphi isizathu okukhulunywe ngaso esigatshaneni sesi-(2).”; futhi
- (e) ngokwengeza lezi zigatshana ezilandelayo:
“(5) Isikhala sivuleka kwiBhodi, uma ilungu—
- (a) litholakala lingafanelekile ukuba sesikhundleni, ngokwemibandela okukhulunywe ngayo esigatshaneni soku-(1);
- (b) lisuswa esikhundleni ngokwesigatshana sesi-(2);
- (c) lisula esikhundleni; noma
- (d) lishona.
- (6) Uma kuvuleka isikhala njengobe kuhlangozwe esigatshaneni sesi-(5), uMongameli ngesincomo sikaNgqongqoshe angaqoka umuntu oyedwa ohlwini lwakamuva lwabantu abaphakanyiswe iSigungu Sikazwelonke, ngokwesigaba sesi-9(1)(a).
- (7) Umuntu oqokwe ngokwesigatshana sesi-(6) uba sesikhundleni aqedele isikhathi ebesingakapheli saleli lungu angene esikhundleni salo.
- (8) Lapho iBhodi lingasasebenzi ngenxa yezikhala ezidalwe ukusula kwabantu abaningi noma kuba nokubambezeleka obekungalindelekile ekugcwaliseni izikhala zeBhodi, uNgqongqoshe—
- (a) uyokwenza isincomo kuMongameli sokuthi ahlakaze iBhodi;
- (b) uyophatha inqubo yokuqokwa kweBhodi lesikhashana ngendlela enqunyiwe; futhi
- (c) uyophakamisa labo abangaqokwa kuMongameli ukuthi baqokelwe ukwakha iBhodi lesikhashana.
- (9) UMongameli kufanele aqoke elinye lamalungu eBhodi esikhashana njengosihlalo kanye nelinye ilungu njengesekela likasihlalo, bobabili bayoba amalungu aphezulu eBhodi lesikhashana.
- (10) Ibhodi lesikhashana liyokwenza imisebenzi yebhodi kuze kube kuqokwa iBhodi elisha.

(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 preceding paragraph (a) of the following words: 35

“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”;

(11) Iningi lamalungu eBhodi lenza ikhoramu yomhlangano | webhodi.”.

Ukuchibiyela isigaba se-11 soMthetho wama-54 wezi-2008

10. Isigaba se-11 soMthethongqangi sichitshiyelwe ngokushutheka ngemuva kwesigatshana sesi-(7), lesi sigatshana esilandelayo: 5

“(7A) Uma ilungu leBhodi lehluleka ukudalula noma iyiphi intshisekelo njengoba kudingwa esigatshaneni sesi-(7) futhi lapho ekhona endaweni lapho umhlangano weBhodi ubanjelwe khona noma nganoma iyiphi indlela ebamba iqhaza ezingxoxweni zeBhodi, ukuqhubeka kweBhodi okuphathelene nakho kuyokwenziwa ize.” 10

Ukuchibiyela isigaba se-12 soMthetho wama-54 wezi-2008

11. Ngakho-ke isigaba se-12 soMthethongqangi sichitshiyelwe ngokufaka endaweni yesigatshana soku-(1), lesi sigatshana esilandelayo:

- “(1) IBhodi lingasungula amaKomidi, ahlanganisa [:]— 15
- (a) IKomidi [**Labaphathi Abakhulu**] leziphathimandla;
 - [(b) Ikomidi lokubhekelela Ingozi Kwimali Ebolekiwe;]**
 - (c) IKomidi Lokubhekelela Abasebenzi kanye Nemiholo;
 - (d) IKomidi Lokucwaningwa Kwamabhuku Ezezimali Nezingozi [, **ngokuhambisana nezulu1eko Zokugcinwa KwezimaJi ngokuphathelene nokukwaxhiwa Kwamakomidi Okucwaningwa Kwamabhuku Ezezimali njengoba kuhlelelwe kwisigaba 77 soMthetho Wokuphathwa Kwezimali Zomphakathi, kanye;** 20
 - (e) NeKomidi Lentuthuko;
 - (f) Ikomidi Lezenhlalakahle Nezimiso Zokuziphatha;
 - (g) IKomidi Lobuchwepheshe Bezokuxhumana; kanye 25
 - (h) nanoma yiliphi elinye ikomidi, ukusiza ekwenzeni imisebenzi yalo.”.

Ukuchibiyela isigaba se-17 soMthetho wama-54 wezi-2008

12. Ngakho-ke isigaba se-17 soMthethongqangi sichitshiyelwe ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo: 30

“(1) IBhodi inganikezela nganoma imaphi amandla ayo noma yabele nanoma imiphil imisebenzi yayo eSikhulwini esinguMphathi Oyinhloko noma **[kunoma yisiphi isisebenzi seSikhungo]** ekomidini okukhulunywa ngalo esigabeni se-12.”.

Ukuchibiyela isigaba se-18 soMthetho wama-54 wezi-2008

13. Ngakho-ke isigaba se-18 sichitshiyelwe ngokususa indima (a) esigatshaneni soku-(1). 35

Ukuchibiyela isigaba se-19 soMthetho wama-54 wezi-2008

14. Ngakho-ke isigaba se-19 soMthethongqangi sichitshiyelwe ngokufaka endaweni yamagama andulela indima (a), lawa magama andulelayo:

“**[UMongameli]** uNgqongqoshe, emva kokubonisana neBhodi, angenza imithetho mayelana—” 40

Ukuchibiyela ukuhlelwa kwezigaba zoMthetho wama-54 wezi-2008

15. Ngakho-ke ukuhlelwa kwezigaba zoMthethongqangi kuchitshiyelwe—

- (a) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-2, leli phuzu elilandelayo: 45

“2 Ukwakhiwa kweSikhungo”;
- (b) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-3, leli phuzu elilandelayo:

“3 Izinhloso zeSikhungo”;

- (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: 10
“9 Composition, appointment and conditions of service of **[the]** Board”; and
- (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.

- (c) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-5, leli phuzu elilandelayo: “5 Imisebenzi yeSikhungo”;
- (d) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-6, leli phuzu elilandelayo: “6 Ukubika KweSikhungo”;
- (e) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-7, leli phuzu elilandelayo: “7 Iqhaza lezinhlaka zikahulumeni ekwesekeni isiKhungo”;
- (f) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-8, leli phuzu elilandelayo: “8 Izibopho zokuphatha zeBhodi”;
- (g) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-9, leli phuzu elilandelayo: “9 Amalunga eBhodi, ukubekwa kwawo kanye nemibandela yokusebenza kweBhodi”; kanye
- (h) Ngokufaka endaweni yephuzu elihlobene nesigaba sesi-10, leli phuzu elilandelayo: “10. Ukuphikiswa kokubekwa, ukukhishwa ehovisi [**kanye**], nokusula ezikhundleni [**komqondisi**] kwamalungu kanye nokugcwaliswa kwezikhala phakathi nethemu”.

Isihloko esifishane nokuqaliswa

16. Lo Mthetho ubizwa ngokuthi uMthetho Ochibiyela Isikhungo Sikazwelonke Sokuthuthukisa Intsha, wezi-2024, futhi uqala ukusebenza ngosuku olunqunywe uMongameli ngesimemezelo kwiGazethi.

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