



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

NEDLAC REPORT ON THE NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA) AMENDMENT BILL

1. INTRODUCTION

- 1.1. In November 2020, Cabinet approved publication of the draft NYDA Amendment Bill for public comment. Subsequently on mid-January 2021, the Department of Women, Youth and Persons with Disabilities (DWYPD), published the draft NYDA Amendment Bill for public comments. The public was given 6 weeks to submit comments to the Department. During that time, numerous virtual and physical meetings were held with various provinces and sectors to consult and get their input on the provisions of the draft Bill.
- 1.2. On 17 March 2021, the DWYPD made the presentation on the NYDA Bill at the special meeting of the Nedlac Development Chamber for engagement. In that meeting, Government confirmed that the process of incorporating the public submissions was at an advanced stage and that the final NYDA Amendment Bill will be submitted thereafter.
- 1.3. On 19 March 2021, the Department of Women, Youth and Persons with Disabilities (DWYPD), submitted the revised NYDA Amendment Bill that incorporated the public comments to Nedlac for engagements.

2. OBJECTS OF THE AMENDING THE NATIONAL YOUTH DEVELOPMENT AGENCY (NYDA) ACT

- 2.1. The NYDA Amendment Bill aims to:
 - 2.1.1. Amend the NYDA Act, No. 54 of 2008, which is the founding legislation of the NYDA;
 - 2.1.2. Strengthen the Agency's operations; enhance governance; and promote visibility for access of the agency's products and services;
 - 2.1.3. Insert new definitions;
 - 2.1.4. Amend certain sections that provide for the administration of the Act by the Executive Authority (EA);
 - 2.1.5. Amend the provisions relating to the objects of the Agency;
 - 2.1.6. Amend provisions relating to reporting by the Agency;

- 2.1.7. Amend provisions relating to roles of organs of state in supporting the Agency;
- 2.1.8. Provide for additional board members and for the filling of board vacancies;
- 2.1.9. Provide for a more comprehensive recruitment criteria for the board;
- 2.1.10. Provide for extension of the term of office for the board; and
- 2.1.11. Provide for establishment of the Agency's offices at district and local levels.

3. PROCESS AT NEDLAC

- 3.1. The Chamber agreed to establish a three-a-side task team consisting of social partners from Business, Community, Labour and Government Constituencies to consider the NYDA Amendment Bill prior to it being tabled to Parliament for further processing. The Chamber agreed that the task team meetings should not go beyond three meetings in discharging its mandate and upon conclusion of engagements, a Nedlac Report must be developed outlining the areas of agreements, and areas of disagreements.
- 3.2. The NYDA Amendment Bill was tabled at Nedlac Development Chamber task team on 06 April 2021.
- 3.3. The NYDA Amendment Bill task team, further established the one-a-side committee to consider and ensure that areas from all Constituencies have been incorporated; and to verify the accurate capturing of the report prior it being circulated to the bigger task team for approval.
- 3.4. The Nedlac Report provides a summary of the process and details the areas of agreement and disagreement reached.
- 3.5. The NYDA Amendment Bill task team met on the following dates:
 - 3.5.1. 06 April 2021; and
 - 3.5.2. 16 April 2021.
- 3.6. The one-a-side committee met:
 - 3.6.1. 03 May 2021

3.7. The following documents were submitted:

Consolidated Matrix reflecting outcomes of discussions	Annexure 2
Presentation from Government on the NYDA Amendment Bill	Annexure 3
Revised NYDA Amendment Bill incorporating public input and input made by the Nedlac social partners arising from the special Development Chamber meeting held 17 March 2021	Annexure 4

4. PURPOSE FOR CONVENING THE AMENDMENT OF NATIONAL YOUTH DEVELOPMENT AGENCY AMENDMENT (NYDA) BILL

- 4.1. To consider the NYDA Amendment Bill that incorporates public submissions tabled by Government, consider inputs from social partners, and engage on the proposed provisions.
- 4.2. To develop a Nedlac Report with areas of agreements and disagreements for submission to the Executive and both houses of Parliament, before being approved into law.

5. AREAS OF AGREEMENT

- 5.1. A principle agreement was reached that Government will bring to the attention of the Minister of DWYPD, the need to develop the Regulations once the Bill has been enacted into law, as there were some areas contained in the Bill that required detailed process to be prescribed in the regulations. In terms of consultation processes for such regulations, the Nedlac stakeholders must be consulted on the provisions with the view to provide further input before being approved by the Minister.

[text*] = delete _____ = insert

5.2. The long tittle of the Bill

- 5.2.1. The section was agreed as outlined in the Bill with no amendment.

5.3. **Amendment of section 1 of Act 54 of 2008**

5.3.1. The following definitions were agreed with no amendment.

- 5.3.1.1. **“Chairperson”**
- 5.3.1.2. **“Chief executive officer”**
- 5.3.1.3. **“Civil society organization”**
- 5.3.1.4. **“Deputy chairperson”**
- 5.3.1.5. **“Executive Authority”**
- 5.3.1.6. **“Province”**
- 5.3.1.7. **“Local”**
- 5.3.1.8. **“Integrated Youth Development Strategy”**
- 5.3.1.9. **“National youth policy”**

5.3.2. The below definition was agreed with the following comments:

- 5.3.2.1. **“Designated group”** it was agreed as outlined with the proviso that this must incorporate Unemployed black youth not attending and not required by law to attend an education institution and not awaiting admission into an educational institution, black youth living in rural areas and underdeveloped areas. In addition, persons with disabilities must also be catered under this definition.

5.4. **Substitution of section 3 of Act 53 of 2008**

5.4.1. 2(a)(b)(c)(d) - the entire section with its subsections was agreed as outlined with no amendment.

5.5. **Amendment of Section 4 of the Principal Act**

5.5.1. The section was agreed as outlined with no amendment.

5.6. **Establishment of National Youth Development Agency offices**

5.6.1. 3(a)(b) section with its subsections was agreed as outlined with no amendment.

5.7. **Amendment of section 5 of Act 54 of 2008**

5.7.1. (a)(i)(ii)(iii)(iv)(v)(vi) section with subparagraphs were agreed as outlined with no amendment.

5.7.2. Task team agreed that in terms of addressing submissions made around the 4IR – Government must insert under competencies and capabilities "Pathway Management of young people"

- 5.7.3. (b)(2)(a)(b)(c) section with subsections were agreed as outlined with no amendment.
- 5.7.4. (c)(4) section with subsections from (a) to (e) were agreed as outlined with no amendment.
- 5.7.5. (c)(4)(k) subsection was catered for under subsection (e) this was to ensure that issues of youth support on employment programmes are catered for immediately after the provision of mentoring of young people and entrepreneurship for alignment and constancy purposes.
- 5.7.6. (c)(4)(f) subsection was agreed with no amendment with the proviso that the NYDA Board to ensure that such individual youth, youth serving and youth led organisations allocate 100% of the grants for the advancement of the Agency's mandate.
- 5.7.7. (c)(4)(g)(h)(i)(j)(m)(n) was agreed as outlined with no amendment.

5.8. Amendment of section 6 of Act 54 of 2008

- 5.8.1. 5(1) was rephrased to read "the Agency must, at least once every two **[three]** years, in the prescribed manner, prepare and submit to the Executive Authority a report on the status of youth in the Republic.
- 5.8.2. 5(2)(a)(b), (3)(4) was agreed as outlined with no amendment.

5.9. Amendment of section 7 of Act 54 of 2008

- 5.9.1. Section was agreed as outlined with no amendment.

5.10. Amendment of section 8 of Act 54 of 2008

- 5.10.1. (1)(a)(i)(ii)(iii)(iv), (b)(c)(i)(ii)(iii)(iv), (2) was agreed as outlined with no amendment.
- 5.10.2. (3) was agreed with the proviso that the NYDA operational, monitoring and consequence management issues are implemented as set out in line with set targets by Government.

5.11. Amendment of section 9 of Act 54 of 2008

- 5.11.1. (a) substitution for subsection (1)(a)(b)(c) was agreed as outlined with no amendment.
- 5.11.2. (b)(2) section was agreed with as outlined.

- 5.11.3. A new insertion was agreed to read: (c)(2) If the office of chairperson or deputy chairperson of the Board becomes vacant, a chairperson or deputy chairperson, as the case may be, must be elected in accordance with subsection 2. This was to ensure alignment with other boards similar to the NYDA.
- 5.11.4. (3)(a) was agreed as outlined with no amendment.
- 5.11.5. Insertion of new section (3)(b) to read be a South African citizen.
- 5.11.6. (3)(b) became (3)(c), section was rephrased to read “have relevant qualification, knowledge, expertise and/ or experience in the fields of youth development, policy development, social development, business and economic management, public management, and law”.
- 5.11.7. (3)(c) was agreed as outlined with no amendment.
- 5.11.8. (3)(d) was agreed as outlined with no amendment with the proviso that the details on the demographics gender, race, persons with disabilities etc. will be provided for in the Regulations.
- 5.11.9. (3)(e) was agreed as outlined with no amendment.
- 5.11.10. (4)(5) was agreed as outlined with no amendment.
- 5.11.11. (b) (6) was rephrased to read “Members hold office for a period of three (3) [five (5)] years, not exceeding two consecutive terms”.
- 5.11.12. The three-year term remains sufficient as the members to be appointed must already have the knowledge, have qualifications and relevant experience, to encourage rotation of young people, demographics, and allow for efficient and effective representation to the board.
- 5.11.13. (7)(8)(9)(10) was agreed as outlined with no amendment.
- 5.12. Amendment of section 9 of Act 54 of 2008**
- 5.12.1. (a)(1)(a) to (c) was agreed as outlined with no amendment.
- 5.13. Amendment of section 10 of Act 54 of 2008**
- 5.13.1. (a) the entire subsection (2) with its subparagraphs were agreed as outlined with no amendment.
- 5.13.2. (b) subsection (4) was agreed as outlined with no amendment.
- 5.13.3. (c) subsection (5) with its subparagraphs were agreed as outlined with no amendment.

5.13.4. Subsection (6)(i), (7)(a)(b),(8)(a)(b),(9) was agreed as outlined with no amendments.

5.14. Amendment of section 11 of Act 54 of 2008

5.14.1. 11(1)(2)(a), (b) was agreed as outlined with no amendments.

5.14.2. 10(4) was agreed with the understanding that the issue on remedial action for failure to disclose on the conflict of interest will be provided for in the regulations.

5.15. Amendment of section 12 of Act 54 of 2008

5.15.1. 11(1) was agreed and rephrased to read “The Board may, in the performance of its functions, establish Committees in the first seating and including the [:-“.

5.15.2. 11(1) (a) to (g) was agreed as outlined with no amendment.

5.15.3. 11(2) new insertion was agreed to read (2) The Board shall develop and review board charters that outline the roles and responsibilities aligned to corporate governance prescripts.

5.16. Amendment of section 16 of Act 54 of 2008

5.16.1. 12(a) section was agreed as outlined with the proviso that the criteria on detailed processes to be followed will be provided for in the regulations once the Bill has been enacted into law.

5.16.2. 12(b) was agreed as outlined with no amendment.

5.17. Amendment of section 17 of Act 54 of 2008

5.17.1. 13(1) was agreed as outlined with the proviso that Government will ensure to benchmark with the provisions made in the National Development Agency (NDA) Act 108 of 1998.

5.18. Amendment of section 18 of Act 54 of 2008

5.18.1. 14(b) section was agreed as outlined with no amendment.

5.19. Amendment of section 19 of Act 54 of 2008

5.19.1. Section was agreed as outlined with no amendment.

5.20. Amendment of arrangement of sections in Act 54 of 2008

5.20.1. Section was agreed as outlined with no amendment.

6. AREAS OF DISAGREEMENTS

6.1. There were no areas of disagreements

7. CONCLUSION

7.1. This report therefore concludes considerations at Nedlac on the National Youth Development Agency (NYDA) Amendment Bill. The Report is submitted to the relevant Portfolio Committee and to Department of Women, Youth and Persons with Disabilities (DWYPD) and the Minister of Employment and Labour in terms of Section 8 of the NEDLAC Act No 35 of 1994.

7.2. It is acknowledged that the Nedlac parties may continue to advocate their views in the public consultation and other structured processes with due regard to the Report.

ANNEXURE 1

NYDA AMENDMENT BILL TASK TEAM MEMBERS 2021

Business	Community	Labour	Government
Sino Moabalobelo Sanelisiwe Jantjies Brad Frank Lister Saungwene Lwandile Ngetane	Thulani Tshefuta Thembinkosi Josopu Tolika Sibiyi Zanele Mabaso Laura Kganyago Simthembile Vayeke Roro Ntsinde	Matthew Parks Sipho Ndhlovu Lebogang Mulaisi Khwezi Makhathini	Dr R. Bernice Hlagala Calvin Mkasi Walter Bango Adv Ntombi Mnyikiso Waseem Carrim