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NORTH WEST PROVINCE

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NORTH WEST PROVINCIAL YOUTH  
COMMISSION AMENDMENT ACT, 1999

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PROVINSIE VAN DIE NOORDWES

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NOORDWES WYSIGINGSWET ONTWERP  
OP PROVINSIALE KOMMISSIE, 1999

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NO. 3. 1999

## ACT

To amend the North West Youth Commission Act, 1994; in sections 1 and 2, to effect certain consequential amendments; in section 3 by restructuring the composition of the Commission; in section 4 to provide that the Commission must report on a quarterly basis to the Premier on its activities; by the insertion of a new section 7A, in order to provide for the dissolution of the Commission if and when it should be necessary; and to provide for matters incidental thereto.

(English text signed by the Premier on 01/07/99).

**BE IT ENACTED** by the Premier and the Legislature of the North West Province as follows:

### **Amendment of section 1 of Act 14 of 1994.**

1. Section 1 of the North West Youth Commission Act, 1994 (Act 14 of 1994 - hereafter called the Principal Act) is amended by:

- (a) the substitution for the definition of "**Constitution**" of the following definition:

"**Constitution**" means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)";
- (b) the insertion of the following definition immediately after the definition of "**Constitution**":

"**member**" means a person appointed in terms of section 3(1)";
- (c) the substitution for the definition of "**Premier**" of the following definition:

"**Premier**" means the Premier of the Province of the North West as contemplated by section 125(1) of the Constitution"; and
- (d) the insertion of the following definition immediately after the definition of "**Premier**":

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

### **Amendment of section 2 of Act 14 of 1994.**

2. Section 2 of the Principal Act is amended by the repeal of subsection (2) thereof.

### **Amendment of section 3 of Act 14 of 1994.**

3. Section 3 of the Principal Act is amended by the substitution for that section, of the following section:

**3. Composition of Provincial Youth Commission.**

- (1) The Commission shall consist of not less than five and not more than ten members, who are fit for such appointment on account of any qualification, knowledge or experience relating to the functions of the Commission, and who shall be appointed by the Premier on either a part-time or a full-time basis, according to the following principles, namely:
- (a) participation by the public in the nomination process;
  - (b) transparency and openness; and
  - (c) the publication of a shortlist of candidates for appointment, duly taking into account the objects enunciated in section 4 of this Act.
- (2) The Commissioners shall, when viewed collectively, represent a broad cross-section of the youth of the Province and show a balance between the attributes of youthfulness and experience.
- (3) The Premier shall designate two of the persons referred to in subsection (1), as chairperson and deputy-chairperson of the commission respectively, and when the office of the chairperson is vacant or the chairperson is incapacitated, the deputy-chairperson shall perform the function entrusted to the chairperson by or under this Act or any other law.
- (4) Subject to the provisions of subsection (1), a member of the Commission shall hold office for such fixed term as the Premier may determine at the time of his or her appointment, but not exceeding one year: Provided that any person whose term of office as a member of the Commission has expired, may be re-appointed: Provided further that a member of the Commission may resign from office by submitting at least one month's prior written notice to the Premier.
- (5) The Premier may remove any member from office at any time after consultation with the Commission, if, in his or her opinion, there are sound reasons for doing so: Provided that the following shall be regarded as constituting sound reasons for such removal from office:
- (a) misconduct by the members;
  - (b) unfitness for the duties of the Commission;
  - (c) permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his office or discharging them properly: Provided further that the Premier shall inform the Legislature of his or her decision to so remove a member from his or her office, if the Legislature is in session, within fourteen days after his or her decision to remove the member, or, if the Legislature is not in session, within fourteen days after the commencement of its next ensuing session.

(6) The office of a member shall be vacant:

- (a) when he or she dies;
- (b) when his or her term of office is terminated in terms of subsection (5); and
- (c) if he or she is absent from three consecutive meetings of the Commission without the prior consent of the Commission or that of its chairman.

(7) Any vacancy in the Commission shall be filled by the nomination of another member by the Premier in terms of this Act as soon as may be reasonably practicable after the occurrence of such vacancy, and any member so nominated shall remain in office for the unexpired portion of his predecessor's term of office.

(8) The members of the Commission shall be paid such remuneration as the Provincial Legislature may from time to time determine."

**Amendment of section 4 of Act 14 of 1994.**

4. Section 4 of the Principal Act is amended by the insertion of the following paragraph after paragraph (g):

"(h) on a quarterly basis report to the Premier on its activities."

**Amendment of section 5 of Act 14 of 1994.**

5. Section 5 of the Principal Act is amended by the substitution for that section, of the following:

"5. The Commission shall be financed and be provided with a working capital out of moneys annually appropriated to the Commission by the Provincial Legislature: Provided that the Commission may approach the Legislature for additional funds if and when sound and good reasons exist therefore."

**Insertion of a new section 7A in Act 14 of 1994.**

6. The Principal Act is amended by the insertion of the following section immediately after section 7:

**"7A. Dissolution of the Commission.**

The Premier may, if there is sound and good reason for doing so:

- (a) after consultation with the Commission; and

(b) in concurrence with the Legislature, by notice in the Gazette, dissolve the Commission: Provided that the date of such dissolution shall be deemed to be the last day of appointment of those members who may have otherwise had an unexpired term of office.”

**Short Title.**

7. This Act shall be called the North West Provincial Youth Commission Amendment Act, 1999.