

# Youth Affairs Bill

No.

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### SCHEDULE 1

Consequential amendments to the *Youth, Sport and Recreation Act 1972*



# LEGISLATIVE ASSEMBLY

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Read 1° 9 April 1986

*(Brought in by Mr Crabb and Mr Walsh)*

## A BILL

to establish a separate legislative framework for youth affairs, to continue the Youth Policy Development Council in existence, to amend the *Youth, Sport and Recreation Act 1972* and the *Education Act 1958* and for other purposes.

### **Youth Affairs Act 1986**

The Parliament of Victoria enacts as follows:

#### **Purposes.**

- 5 1. The purposes of this Act are to establish a separate legislative framework for youth affairs and to continue the Youth Policy Development Council in existence.

#### **Commencement.**

2. This Act comes into operation on the day on which it receives the Royal Assent.

#### **Definitions.**

- 10 3. In this Act—  
“**Council**” means the Youth Policy Development Council continued in existence by section 8;  
“**Member**” means member of the Council and includes the Chairperson and a deputy member;

**“Voluntary organization”** means a person or body of people, corporate or unincorporate, which carries on or proposes to carry on an undertaking otherwise than for the personal profit of an individual member or members, and includes a person who is or people who are engaged in activities which, in the opinion of the Minister, will assist in the attainment of the objects of this Act.

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### **Objects.**

4. The objects of this Act are to facilitate the openness and responsiveness of the social, economic, cultural and political structures of Victoria to young people, and to encourage the equitable distribution of resources and opportunities between young people of different backgrounds and gender, and in particular—

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(a) to ensure a more equitable distribution of resources to and between young people, and to establish equity as the prime consideration for the allocation of government resources and the development of government policies and programmes concerning young people; and

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(b) to promote recognition and development of the social rights of young people and to promote equal opportunity and affirmative action in government policies and programmes concerning young people; and

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(c) to facilitate access by young people to government agencies and programmes and to encourage access by young people to non-government programmes and activities; and

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(d) to encourage and facilitate the effective involvement of young people in decision making in relation to the social, economic, cultural and political life of the community and the participation of young people in the attainment of the objects of this Act; and

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(e) to promote stronger understanding of issues concerning young people and of the value of their contribution to society; and

(f) to ensure co-ordination between government departments and public statutory bodies of policies and programmes concerning young people; and

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(g) to encourage co-operation between municipalities, co-ordinating organizations and other people and bodies in relation to the attainment of the objects of this Act; and

(h) to encourage provision of training for youth workers and other people in related fields.

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**Powers and duties of Minister.**

5. (1) The Minister—

- (a) may do anything that the Minister considers necessary or desirable for the purposes of this Act; and
- 5 (b) must provide facilities and services to assist the Council in exercising its functions.

(2) Without limiting the generality of sub-section (1), the Minister may—

- 10 (a) arrange for surveys, investigations and research to be carried out and for the results to be published; and
- (b) arrange for the publication and dissemination of information about the objects of this Act; and
- (c) authorize the payment of grants or subsidies, on any terms and conditions that the Minister thinks appropriate; and
- 15 (d) initiate or encourage planning and co-ordination and promote communication and consultation; and
- (e) provide or assist in the provision of training programmes and facilities; and
- (f) provide youth programmes; and
- 20 (g) make any charges for programmes, publications, services and goods that the Minister thinks appropriate.

(3) If the Minister provides programmes, publications, services or goods in direct competition with another person, the Minister must not accept the benefit of any privilege or advantage pertaining to a

25 Minister of the Crown.

**Additional powers of Minister.**

6. (1) Without limiting any other power of the Minister, the Minister may agree with any voluntary organization, person (including a Minister of the Crown) or body of people, municipality or public

30 statutory authority to carry out any works or undertaking or to provide any services which the Minister has power to carry out or provide under this Act, on any terms and conditions that are so agreed.

(2) The Minister may make the services of an officer of a Government department administered by the Minister available to a

35 voluntary organization or other appropriate body.

**Delegation.**

7. The Minister may, by instrument, delegate to the Council or to an officer in the public service any power of the Minister under this Act or the regulations, other than this power of delegation.

**Youth Policy Development Council.**

8. (1) There is continued in existence the body known as the Youth Policy Development Council, established under the *Youth, Sport and Recreation Act 1972*.

(2) The Council consists of not less than sixteen and not more than twenty members appointed by the Minister, being people with skills, qualifications, or experience in matters concerning young people. 5

(3) In appointing people to be members of the Council, the Minister must have regard to the desirability of having as members of the Council a reasonable balance of people of different ages and different social and ethnic backgrounds and of people who are disabled and people who are not disabled and of men and women. 10

(4) The Minister must appoint one of the members to be the Chairperson of the Council.

(5) If a member, other than a deputy member, notifies the Minister that the member is unable to attend a meeting of the Council, the Minister may, in his or her discretion, appoint a person who is similarly skilled, qualified, or experienced to be a deputy for that member for the purposes of that meeting. 15

**Functions of the Council.** 20

9. (1) The Council must furnish information and advice to the Minister on any matters referred to it by the Minister, which matters may include, but are not limited to, matters relating to—

(a) the development of policies concerning young people, the integration of those policies with other government policies and the implementation of those policies by government departments concerned with young people; and 25

(b) the on-going setting of priorities in relation to government policies and programmes concerning young people; and

(c) the on-going review of government policies and programmes concerning young people; and 30

(d) the participation of young people in the development of policies concerning young people; and

(e) the development of methods and processes of communication and consultation with young people, community groups and government departments in relation to issues and policies concerning young people; and 35

(f) the ensuring of long term planning of policies and programmes concerning young people; and

(g) the evaluation of the effectiveness of services provided to young people and the development, in conjunction with the providers of those services, of appropriate reforms in connexion with those services. 40

(2) To enable it to furnish information and advice to the Minister, the Council may with the approval of the Minister—

- 5 (a) collect, process and disseminate information on issues, policies and programmes concerning young people; and
- (b) act as a specialized channel through which individuals or groups may communicate with members of the Government and government departments in relation to matters concerning young people; and
- 10 (c) set up task forces and working parties to advise the Council on particular issues concerning young people; and
- (d) where appropriate, initiate research into issues concerning young people and monitor any such research; and
- (e) promote public discussion, debate and understanding of issues concerning young people; and
- 15 (f) monitor legislation and policies concerning young people and recommend changes in that legislation and those policies; and
- (g) publish information relating to the work and findings of the Council.

## 20 **Membership of and vacancies in the Council.**

10. (1) A member holds office for the term, not longer than 3 years, that is specified in the instrument of appointment of the member, unless the office of that member is otherwise vacated.

25 (2) A member whose term expires is eligible to be re-appointed for one more term, not longer than 3 years, that is specified in the instrument of re-appointment of the member.

(3) The office of a member becomes vacant—

- 30 (a) on the expiry of the term of office of the member; or
- (b) if the member dies; or
- (c) if the member is incapable of continuing as a member; or
- (d) if the member notifies the Minister in writing of the member's resignation; or
- (e) if, without the permission of the Chairperson, the member fails to attend 3 consecutive meetings of the Council; or
- 35 (f) if the member is removed from office by the Minister.

(4) If the Chairperson grants permission to a member to be absent from more than 3 consecutive meetings, the Chairperson must notify the Minister.

40 (5) If the office of a member becomes vacant otherwise than by the expiry of the term of office, the Minister may, if there are at least 16 remaining members, and must, in any other case, appoint a suitable person to that office.

(6) A person appointed under sub-section (5) holds office for the remainder of the term for which the previous member was appointed, unless that person's office is otherwise vacated.

(7) The Chairperson must preside at all meetings of the Council at which the Chairperson is present, and in the absence of the Chairperson the members present must choose one of them to preside at the meeting. 5

(8) The person presiding at a meeting of the Council has a casting vote.

#### **Quorum and meetings.**

11. (1) A quorum of the Council is a majority of the current members. 10

(2) The Council must meet at least 6 times each year.

(3) The Council may regulate its own proceedings as long as it complies with this Act and the regulations.

(4) With the approval of the Minister, the Council may retain people with special experience to advise it. 15

#### **Funding.**

12. (1) Out of money appropriated by Parliament for the purposes of youth services, the Minister may authorize payments for or with respect to the objects of this Act. 20

(2) Payments under sub-section (1) may include, but are not limited to, loans or grants to municipalities, public statutory authorities or voluntary organizations.

#### **Regulations.**

13. The Governor in Council may make regulations— 25

(a) prescribing meeting fees and travelling and other allowances to be paid to members and to people retained by the Council under section 11 (4); and

(b) regulating the proceedings of the Council; and

(c) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act. 30

#### **Transitional.**

14. (1) Notwithstanding the repeal and re-enactment of section 8 of the *Youth, Sport and Recreation Act 1972*, the Council shall be deemed to be the same body after the commencement of this section as it was before that commencement. 35



(2) A continuing act, matter or thing is not in any way affected by that repeal and re-enactment, and may be continued and concluded in all respects as if this Act had not been passed.

**Amendment of the *Education Act 1958*.**

No. 6240.  
Reprinted to No.  
10191.

5      15. After section 15 of the *Education Act 1958* insert—

**Use of school premises and facilities.**

10      “15AA. (1) Notwithstanding anything to the contrary in any Act, a council may authorize a voluntary organization, Government department, municipality, person or body, subject to any conditions imposed by the council, to use—

(a) any premises and facilities vested in the Minister and used for the purposes of the school; or

15      (b) any Crown land reserved for any educational purpose and used for the purposes of the school (whether or not vested in trustees or jointly in trustees and the Minister for the time being administering Part IX of the *Lands Act 1958*)—

for the purposes of the *Youth, Sport and Recreation Act 1972* or the *Youth Affairs Act 1986*.

20      (2) The conditions the council may impose include, but are not limited to, a condition that a person specified by that council must agree with the council for contributing money towards—

(a) the improvement, renovation or repair of any premises or equipment authorized to be used; and

25      (b) the provision or replacement of any equipment or materials authorized to be used.

(3) An authority or agreement—

(a) has effect notwithstanding anything to the contrary in any Act or law relating to Crown land; and

30      (b) is deemed to be given or made by the council for and on behalf of the Crown.”

**Consequential amendments to the *Youth, Sport and Recreation Act 1972*.**

16. The *Youth, Sport and Recreation Act 1972* is amended as specified in Schedule 1.

## SCHEDULE 1

Section 16

CONSEQUENTIAL AMENDMENTS TO THE *YOUTH, SPORT AND RECREATION ACT 1972*

<i>Provision</i>	<i>Amendment</i>
Section 1 (1)	omit " Youth,".
Section 2 (1)	
—(definition of "Minister")	omit the definition.
—(definition of "Department")	omit "Youth,".
Section 2 (2)	omit "the Youth Policy Development Council,".
Section 3	omit paragraph (a).
Section 4	omit "Youth," (wherever occurring).
Section 5 (d)	omit "the Youth Policy Development Council,".
Section 6 (i)	omit "youth,".
Section 8	omit the section.
Section 9	omit the section.
Section 10	omit the section.
Section 13	(a) omit "Youth Policy Development Council, the". (b) for "more than one of those Councils is" substitute "both those Councils are".
Section 14A (1)	omit "the Youth Policy Development Council,".
Section 16	omit the section.
Section 19 (1)	omit paragraph (a).