

YOUTH ADVISORY COUNCIL ACT 1989 No. 39

NEW SOUTH WALES



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YOUTH ADVISORY COUNCIL ACT 1989 No. 39

NEW SOUTH WALES



Act No. 39, 1989

An Act to establish a Youth Advisory Council; to define its functions; and for related purposes. [Assented to 10 May 1989]

Youth Advisory Council 1989

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Youth Advisory Council Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. (1) In this Act—

“Council” means the Youth Advisory Council established under this Act;

“member” means a member of the Council;

“young persons” means persons who are of or over 12 years of age and under 25 years of age.

- (2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and

- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

- (3) A reference in this Act to Government policies and programs includes a reference to the policies and programs of any authority of the State or any community organisation.

Object of Act

4. The object of this Act is to establish a Youth Advisory Council—

- (a) to advise the Government of New South Wales, through the Minister, on—

- (i) matters of concern to young persons; and

- (ii) Government policies and programs concerning young persons; and

- (b) to provide a channel of communication between the community and the Government in relation to matters concerning young persons.

PART 2—ESTABLISHMENT OF COUNCIL

Establishment of Council

5. There is established by this Act a Youth Advisory Council.

Membership of Council

6. (1) The Council shall consist of—

- (a) 12 part-time members appointed by the Minister; and

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(b) an ex-officio member, being the Director of the Office of Youth Affairs of the Ministry of Education and Youth Affairs.

(2) The persons appointed by the Minister as part-time members must have such experience, skills and qualifications as the Minister considers necessary for them to make a contribution to the work of the Council.

(3) At least 6 of the part-time members shall be persons who are under the age of 25 years at the time of their appointment.

Provisions relating to members of Council

7. Schedule 1 has effect with respect to the members of the Council.

Provisions relating to procedure of Council

8. Schedule 2 has effect with respect to the procedure of the Council.

Committees of Council

9. (1) The Council may, with the approval of the Minister, establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Council.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Council or (subject to any determination of the Council) by the committee.

Staff of Council

10. The Council may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a government department, an administrative office or a public or local authority.

PART 3—FUNCTIONS OF COUNCIL**Functions of Council**

11. (1) The Council has the following functions:

- (a) to advise the Minister on the planning, development, integration and implementation of Government policies and programs concerning young persons;
- (b) to consult with young persons, community groups and Government authorities on issues and policies concerning young persons;
- (c) to monitor and evaluate legislation and Government policies and programs concerning young persons and to recommend changes if required;

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(d) to conduct forums, approved by the Minister, on issues of interest to young persons;

(e) to collect, analyse and provide the Minister with information on issues and policies concerning young persons.

(2) Any advice given to the Minister by the Council may be given either at the request of the Minister or without any such request.

(3) The Council has such other functions as are conferred or imposed on it by or under this or any other Act.

PART 4—MISCELLANEOUS**Annual report**

12. (1) As soon as practicable after 1 January, but before 31 March, in each year, the Council shall prepare and forward to the Minister a report on its work and activities for the previous year.

(2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the report.

Regulations

13. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE 1—PROVISIONS RELATING TO MEMBERS OF COUNCIL

(Sec. 7)

Chairperson and Deputy Chairperson of Council

1. (1) Of the appointed members of the Council, two shall (in and by their respective instruments of appointment or in and by other instruments executed by the Minister) be appointed as Chairperson and Deputy Chairperson of the Council respectively.

(2) The Minister may remove a member from the office of Chairperson or Deputy Chairperson of the Council at any time.

(3) A person holding office as Chairperson or Deputy Chairperson of the Council vacates that office if the person—

(a) is removed from that office by the Minister; or

(b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a member.

Deputies of members

2. (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS OF COUNCIL—
continued

- (2) In the absence of a member, the member's deputy—
- (a) shall, if available, act in the place of the member; and
 - (b) while so acting, has all the functions of the member and shall be taken to be a member.

(3) The deputy of a member who is Chairperson or Deputy Chairperson of the Council does not (because of this clause) have the member's functions as Chairperson or Deputy Chairperson.

(4) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

Terms of office

3. Subject to this Schedule, an appointed member shall hold office for such period (not exceeding 2 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Allowances

4. An appointed member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member.

Vacancy in office of member

5. (1) The office of an appointed member becomes vacant if the member—
- (a) dies; or
 - (b) completes a term of office and is not re-appointed; or
 - (c) resigns the office by instrument in writing addressed to the Minister; or
 - (d) is removed from office by the Minister under this clause or by the Governor under Part 8 of the Public Sector Management Act 1988; or
 - (e) is absent from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Council or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Council for having been absent from those meetings; or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (g) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983; or
 - (h) is convicted in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove an appointed member from office at any time.

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SCHEDULE 1—PROVISIONS RELATING TO MEMBERS OF COUNCIL—
*continued***Filling of vacancy in office of member**

6. If the office of an appointed member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Effect of certain other Acts

7. (1) The Public Sector Management Act 1988 does not apply to the appointment of an appointed member and an appointed member is not, as a member, subject to that Act (except Part 8).

(2) If by or under any Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as such a member.

(3) The office of an appointed member is not, for the purposes of any Act, an office or place of profit under the Crown.

SCHEDULE 2—PROVISIONS RELATING TO PROCEDURE OF COUNCIL

(Sec. 8)

General procedure

1. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Council.

Quorum

2. The quorum for a meeting of the Council is a majority of the members for the time being.

Presiding member

3. (1) The Chairperson of the Council or, in the absence of the Chairperson, the Deputy Chairperson of the Council or, in the absence of both, another member elected to chair the meeting by the members present shall preside at a meeting of the Council.

(2) The person presiding at any meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

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SCHEDULE 2—PROVISIONS RELATING TO PROCEDURE OF COUNCIL—
continued

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council.

First meeting

5. The Minister shall call the first meeting of the Council in such manner as the Minister thinks fit.

*[Minister's second reading speech made in—
Legislative Assembly on 5 April 1989
Legislative Council on 3 May 1989]*