

YOUTH SERVICE.

13° Elizabeth II., No. XXXVI.

No. 36 of 1964.

AN ACT to establish The Youth Council of Western Australia, to provide for Assistance to Youth Organisations and Clubs and to establish a Youth Service and for incidental and other purposes.

[Assented to 12th November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Youth Service Act, 1964.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpre-
tation.

3. In this Act, unless the contrary intention appears—

“local authority” means the Council of a Municipality constituted under the Local Government Act, 1960;

“member” means a member of the Council and includes the Chairman;

“the Chairman” means the Chairman of the Council;

“the Council” means The Youth Council of Western Australia established under this Act;

“the Fund” means The Youth Service Assistance Fund established under this Act;

“the Minister” means the Minister for Education;

“young person” means a person over the age of thirteen years and under the age of twenty-five years;

“youth service” includes the promotion by voluntary bodies, local authorities and educational authorities acting together or separately, of the social, intellectual, moral and physical training and recreation of young persons, and the training of young persons in self government, good citizenship and the intelligent use of leisure.

Establish-
ment of
Council.

4. (1) For the purposes of this Act there shall be a Council by the name of The Youth Council of Western Australia.

(2) The Council—

(a) is a body corporate with perpetual succession;

(b) shall have a common seal;

(c) is capable of acquiring, holding and disposing of real and personal property; and

(d) may sue and be sued in its corporate name.

(3) The Council is not an agency or instrumentality of the Crown.

5. (1) The Council shall consist of a Chairman and eleven other members. Constitution
of Council.

(2) The Chairman shall be a person appointed by the Minister as the Chairman of the Council and shall, subject to this Act, hold office for a period of three years.

(3) The remaining eleven members shall be appointed by the Minister and shall be—

- (a) two persons who are members of The State National Fitness Council established under the National Fitness Act, 1945;
- (b) two persons so appointed, from a panel of the names of five persons submitted to the Minister by the body known as the Associated Youth Committee of Western Australia, who are members of that body and who are eligible and willing to act as members;
- (c) two persons so appointed, from a panel of the names of five persons submitted to the Minister by the body known as the Associated Sporting Committee of Western Australia, who are members of that body and who are so eligible and so willing;
- (d) two persons so appointed who are officers of the Education Department under the Education Act, 1928;
- (e) a person so appointed who is an officer of the Child Welfare Department under the Child Welfare Act, 1947; and
- (f) two persons so appointed who are eligible and willing to act as members being persons who reside in the country centres of the State and who are conversant with and interested in youth service and matters relating thereto in those centres.

(4) Where any body fails to submit to the Minister the panel of names required to be submitted to the Minister for the purposes of this section within twenty-eight days after the receipt by it of a written request by the Minister so to do, the Minister may appoint a person or persons having the appropriate required qualifications to the office or offices of member in respect of which no such panel has been submitted to the Minister.

(5) Each member other than the Chairman, shall, subject to this Act, hold office for a period of three years or six years, as the Minister specifies at the time of his appointment.

(6) A member is eligible for re-appointment.

(7) A member referred to in paragraph (d) or (e) of subsection (3) of this section ceases to hold office, if he ceases to be an officer of the Education Department or an officer of the Child Welfare Department, as the case may be.

(8) The exercise or performance of the functions or powers of the Council is not affected by reason only of there being a vacancy in the office of a member or a defect or irregularity in or in connection with the appointment of any member.

Appointment
of Deputy
of the
Chairman.

6. (1) The Council shall appoint a member to be the Deputy of the Chairman.

(2) The Council may, at any time, terminate the appointment of a member as Deputy of the Chairman, and, in that event shall appoint another member as Deputy of the Chairman.

Leave of
absence.

7. The Minister may grant leave of absence to a member upon such terms and conditions as the Minister determines.

Acting
appointment.

8. (1) Where the Minister grants leave of absence to a member, or where there is a vacancy in the membership of the Council, the Minister may, subject to this section, appoint a person to act in

the place of the member, or to act in the vacant office, during the whole or a part of the period of absence on leave of the member, or of the period of the vacancy, as the case may be, and a person so appointed has all the powers, functions and duties of a member.

(2) Where the Minister grants leave of absence to the member who is the Deputy of the Chairman, or where there is a vacancy in the office of Deputy of the Chairman, the Council may appoint a member to act in the place of the Deputy of the Chairman or in the office of Deputy of the Chairman, during the whole or a part of the period of absence on leave of the Deputy of the Chairman or of the period of the vacancy, as the case may be, and a member so appointed has all the powers, functions and duties conferred by this Act on the Deputy of the Chairman.

(3) The Minister or the Council, as the case requires, may, at any time terminate the appointment of a person appointed by the Minister or the Council under this section.

(4) A member and a person appointed to act in the place of, or in the vacant office of, such a member including the Chairman or the Deputy of the Chairman shall be paid, in respect of his attendance at a meeting of the Council, a fee of such amount, if any, as is determined by the Governor, and is entitled to be reimbursed such expenses as he reasonably incurs in performing his functions and exercising his powers under this Act.

Remuneration, allowances, etc.

9. The Governor may remove a member from office for inability, inefficiency or misbehaviour.

Removal of members.

10. A member may resign his office by writing under his hand addressed to the Minister.

Resignation of members.

11. A member shall be deemed to have vacated his office of member, if he—

Vacation of office.

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors;

- (b) is absent, without leave granted by the Minister, from three consecutive meetings of the Council;
- (c) resigns his office in accordance with section ten of this Act; or
- (d) is removed from office by the Governor pursuant to section nine of this Act.

Meetings of
Council.

12. (1) (a) Subject to this section, the Chairman shall convene such meetings of the Council as are, in his opinion, necessary for the efficient conduct of its affairs.

(b) The Chairman shall not permit a period exceeding eight weeks to elapse between a meeting of the Council and the next meeting of the Council.

(2) The Chairman shall, on receipt of a written request signed by four other members, convene a meeting of the Council.

(3) The Minister may at any time convene a meeting of the Council.

(4) The Chairman or in the absence of the Chairman the Deputy of the Chairman, shall preside at all meetings of the Council at which he is present and when so presiding the Deputy Chairman has all the powers, functions and duties of the Chairman.

(5) At a meeting of the Council—

(a) the Chairman and six other members; or

(b) the Deputy of the Chairman and six other members,

constitute a quorum.

(6) A question arising at a meeting of the Council shall be decided by a majority of the votes of the members present.

Delegation of
authority.

13. (1) The Council may, either generally or in relation to a matter or class of matters, by writing under its seal, delegate all or any of its powers under this Act, except the power of delegation.

(2) A power so delegated may be exercised by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Council.

14. A person who is or has been a member, deputy for a member or delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed on the Council by this Act.

Exemption
from
personal
liability.

15. (1) The functions of the Council are—

Functions of
the Council.

- (a) to give effect to the purposes of this Act;
- (b) to investigate and conduct research into ways and means of attracting young persons to participate in youth service;
- (c) to promote co-operation with and between voluntary organisations, clubs, government departments and persons concerned with youth service, and in particular to maintain a close liaison with The State National Fitness Council and its activities;
- (d) to prepare and submit to the Minister for his approval a comprehensive scheme for the development of a youth service in the State and if the scheme is so approved to carry the scheme into effect;
- (e) to formulate and promulgate measures for the promotion, assistance and establishment of clubs and organisations, the objects of which are to promote youth service;
- (f) to determine the payments to be made out of the Fund for or towards the promotion of youth service in the State and in particular for or towards the establishment, maintenance and assistance of such clubs

or organisations as are referred to in paragraph (e) of this subsection, whether prospective or existing and the training of youth leaders for those clubs or organisations;

- (g) to determine to whom and the terms and conditions upon which the payments referred to in paragraph (f) of this subsection are made and to determine the ways and the purposes for which those payments shall be expended for or towards the establishment and maintenance of an efficient youth service in the State;
- (h) to provide on its own behalf or in conjunction with any other body or organisation adequate facilities for leisure time occupation in such organised cultural training and recreation activities as are suited to the requirements of young persons who are able and willing to profit by those facilities;
- (i) to appoint officers to assist and guide clubs, organisations and other bodies concerned with youth service;
- (j) to promote among the members of the public, local authorities and other public bodies an interest in and appreciation of the purpose and difficulties associated with providing an efficient youth service and to solicit their co-operation in providing such a service and in establishing, maintaining and managing or in assisting the establishment, maintenance and management of camps, holiday classes, playing fields, youth centres and other places at which facilities for recreation and for such training as is referred to in this subsection are available;
- (k) generally to promote and assist and co-ordinate all activities relating to youth service; and
- (l) to carry out such other functions as may be prescribed.

(2) In the exercise of its powers and functions under this Act the Council shall have regard to any representations that may be made by the Minister to give effect to any decision of the Government in relation thereto, conveyed to the Council in writing by the Minister.

(3) The Council has power to do all things necessary or convenient to be done in connection with or as incidental to the performance of its functions and all such things related to the performance of those functions as the Council may lawfully do.

Powers of Council.

16. (1) The council may, with the consent of the Minister administering—

Power of Council to co-opt services.

- (a) any department of the Public Service of the State;
- (b) the Education Department; or
- (c) the Police Department,

for the purpose of giving effect to this Act, co-opt the services, whether of an administrative, technical or other nature, of any person employed in any of those departments, upon such terms as may be agreed between that Minister and the Council.

(2) If a person whose services are co-opted under this section, is an officer within the meaning of the Public Service Act, 1904, the co-opting of his services—

- (a) shall be without prejudice to the provisions of that Act and all other Acts applying to that person as such an officer; and
- (b) does not prejudice his existing and accruing rights as such under any of those Acts,

and for the purposes of determining those rights, his service with the Council under this Act shall be regarded as service in the Public Service of the State.

Appointment
of staff.

17. (1) (a) For the purposes of enabling the Council to carry out its functions and duties and to exercise its powers under this Act, the Council may with the approval of the Minister, appoint, supervise, control, suspend and dismiss officers who shall not be appointed under the Public Service Act, 1904, but who when appointed are entitled subject to subsection (2) of this section, to such leave of absence, and to such rights prescribed by or under the Superannuation and Family Benefits Act, 1938, as would apply if they were appointed pursuant to the Public Service Act, 1904.

(b) Any officer appointed pursuant to this subsection may be appointed at such salaries and other remuneration and travelling allowances as may be determined by the Public Service Commissioner appointed under the Public Service Act, 1904.

(2) (a) Notwithstanding subsection (3) of section four of this Act, in order to give effect to subsection (1) of this section, the Council shall request that the inclusion of the Council as a department for the purposes of the Superannuation and Family Benefits Act, 1938, be recommended by the Minister to whom the administration of that Act is committed and approved by the Treasurer.

(b) Where the request is so recommended and approved the Treasurer may,

if the Council enters into the agreement, and makes the arrangements (which the Council is hereby authorised to do) required by the proviso to the interpretation of the term "department" in subsection (1) of section six of the Superannuation and Family Benefits Act, 1938,

approve of the inclusion of the Council as a department for the purposes of that Act and the Council shall, for the purposes of that Act only, be deemed to be a department.

(c) An officer of the Council is not compelled to become a contributor for pension, superannuation or benefits under this section.

Establish-
ment of
Fund.

18. (1) There shall be established and kept in the Treasury a fund to be called "The Youth Service Assistance Fund" and the Fund shall be administered by the Council.

(2) Into the Fund there shall be paid—

- (a) any money made available by Parliament for the purposes of this Act;
- (b) any money that is paid or payable to the Council or to the Fund by way of gift, bequest or otherwise;
- (c) the income derived from the investment of any money forming part of the Fund;
- (d) all money received by the Council for or towards the carrying out of the purposes of this Act; and
- (e) the proceeds of any gifts other than money made for those purposes.

19. Where any money forming part of the Fund is not immediately required for the purposes of this Act, the Council may, with the approval of the Minister, invest it in any investments authorised by law as those in which trust funds may be invested.

Power of Council to invest part of Fund.

20. (1) The Council may use and apply, except as provided in this section, money in the Fund for all or any of the following purposes—

Application of money in Fund.

- (a) the payment of the costs of administering this Act;
- (b) the payment of the general administrative expenses of the Council;
- (c) the payment of officers of the Council appointed under this Act; and
- (d) for any purpose that is approved by the Minister and that relates to the encouragement, advancement or establishment of youth service in the State.

(2) Where any gift or bequest has been made for the purposes of this Act upon conditions, the Council shall use or apply money representing that gift or bequest in accordance with those conditions.

Accounts.

21. (1) The Council shall cause to be kept true and regular accounts—

- (a) of money paid into and belonging to the Fund;
- (b) of money paid out of the Fund and the person to whom and the purposes for which it has been paid; and
- (c) of the assets and liabilities of the Council.

(2) The Council shall cause the accounts to be balanced at the thirtieth day of June in each year.

(3) The Auditor General appointed under the Audit Act, 1904—

- (a) has in respect of those accounts the powers conferred on him by that Act;
- (b) shall arrange for the audit of those accounts; and
- (c) shall, as soon as practicable after the completion of the audit in each year, prepare and deliver to the Council a report on the audit of those accounts.

Annual report.

22. As soon as is practicable after the Council has received the report of the Auditor General in accordance with section twenty-one of this Act, the Council—

- (a) shall present a true copy of the report to both Houses of Parliament; and
- (b) shall submit to the Minister for presentation to both those Houses a written report on its activities during the period to which the report of the Auditor General relates.

Power to Director General of Education to make schools, etc., available for youth service purposes.

23. Notwithstanding anything in any Act, the Director General of Education appointed under the Education Act, 1928, may authorise any club or organisation or persons concerned with the encouragement, advancement or establishment of youth

service in this State, subject to such conditions as the Director General of Education may think fit to impose—

- (a) to use any land or building vested in the Minister under section six of the Education Act, 1928, for the purpose of the recreation, social, moral and physical training of young persons; or
- (b) for the training or instruction of youth leaders for any such club or organisation,

during any hours when the land or building is not required for use under that Act.

24. The Governor may make regulations that Regulations. appear to him to be necessary or convenient for effectually carrying out the objects and purposes of this Act and in particular prescribing penalties not exceeding twenty pounds, for offences against those regulations.
