

NOT FOR LOAN



No. *26* of 1999.

*National Youth Commission Act 1999.*

Certified on : *16.03.00*

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

*National Youth Commission Act 1999.*

ARRANGEMENT OF SECTIONS.

**PART 1. - PRELIMINARY.**

1. National interest.
2. Interpretation -
  - “Commission”
  - “Commissioner”
  - “committee”
  - “District Youth Council”
  - “National Youth Council”
  - “province”
  - “Provincial Youth Council”
  - “Service”
  - “this Act”
  - “volunteer employee”
  - “Ward Youth Council”
  - “youth”
  - “youth group”.

**PART II. - NATIONAL YOUTH COMMISSION.**

3. National Youth Commission.
4. Functions of the Commission.
5. Powers of the Commission

**PART III. - NATIONAL YOUTH COUNCIL.**

6. National Youth Council.
7. Functions of the National Youth Council.
8. Membership of the National Youth Council.
9. Affiliation to the National Youth Council.
10. Chairman, Deputy Chairman and Secretary.
11. Executive committee.
12. Leave of absence of members.
13. Vacation of office.

14. Vacancy not to affect powers or functions.
15. Calling of meetings.
16. Procedure at the National Youth Council Meetings.
17. Annual general meeting.
18. National Youth Convention.
19. Disclosure of interest by members.
20. Suspension etc., of the National Youth Council.
21. Committees.
22. Delegation.
23. Reports.

#### **PART IV. - PROVINCIAL YOUTH COUNCILS.**

24. Provincial Youth Council.
25. Functions of a Provincial Youth Council.
26. Membership of a Provincial Youth Council.
27. Executive members of a Council.
28. Leave of absence of member.
29. Vacation of office.
30. Vacancy not to affect powers or functions.
31. Calling of meetings.
32. Disclosure of interest by member of a Provincial Youth Council.
33. Suspension of a Provincial Youth Council.
34. Reports.

#### **PART V. - DISTRICT YOUTH COUNCILS.**

35. District Youth Councils.
36. Functions of District Youth Councils.
37. Membership of District Youth Councils.
38. Executive members.
39. Leave of absence.
40. Vacation of office.
41. Meetings of a District Youth Council.
42. Suspension of District Youth Council.
43. Reports.

#### **PART VI. - WARD YOUTH COUNCILS.**

44. Ward Youth Councils.
45. Functions of the Ward Youth Council.
46. Membership of a Ward Youth Council.
47. Executive members.
48. Leave of absence.
49. Meeting of the Ward Youth Council.
50. Vacation of office.

- 51. Suspension of Ward Youth Council.
- 52. Reports.

**PART VII. - CENTRES AND YOUTH GROUPS.**

- 53. Centres, etc.,
- 54. Administration of centres and institutions, etc.,
- 55. Privately established centres, etc.,
- 56. Youth groups.

**PART VIII. - STAFF OF THE COMMISSION.**

- 57. Commissioner.
- 58. Functions, etc., of the Commissioner.
- 59. Officers.
- 60. Conditions of employment.
- 61. Consultants.

**PART IX. - VOLUNTEER EMPLOYEES.**

- 62. Application for employment.
- 63. Appointment of volunteer employees.
- 64. Conditions of employment.
- 65. Duties of volunteer employees.
- 66. Non-citizen volunteer employees.

**PART X. - FINANCES.**

- 67. Application of *Public Finances (Management) Act*.
- 68. Charges of services.
- 69. Funds of the Commission.

**PART XI. - MISCELLANEOUS.**

- 70. Public service rights.
- 71. Regulation.

**PART XII. - REPEAL, SAVINGS AND TRANSITIONAL.**

- 72. Repeal.
- 73. Interpretation -
  - “repealed Act”
  - “Service”.

74. Transfer of assets, etc.,
75. Officers, employees and volunteer employees.
76. Saving of contracts, etc.,
77. Actions, etc., not to abate.
78. Application of Acts, etc.,
79. Interim National Youth Council.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

AN ACT

entitled

*National Youth Commission Act 1999,*

Being an Act -

- (a) to establish the National Youth Commission; and
- (b) to define its function and powers; and
- (c) to repeal the *National Youth Service Act 1991*; and
- (d) to make provision for the National Youth Council and for Provincial Youth Councils, District Youth Councils and Ward Youth Councils; and
- (e) for related purposes,

MADE by the National Parliament, to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**PART 1. - PRELIMINARY.**

**1. NATIONAL INTEREST.**

For the purposes of -

- (a) Section 29 of the *Organic Law on Provincial Government*; and
- (b) Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*,

this law relates to a matter of national interest.

**2. INTERPRETATION.**

In this Act, unless the contrary intention appears -

- “Commission” means the National Youth Commission established by Section 3;
- “Commissioner” means the Commissioner of the National Youth Commission appointed under Section 57;
- “committee” means a committee established under Section 21;

## *National Youth Commission*

“District Youth Council” means a District Youth Council established under Section 35, and in relation to a district means the District Youth Council established in relation to that district;

“National Youth Council” means the National Youth Council established by Section 6;

“province” includes the National Capital District;

“Provincial Youth Council” means a Provincial Youth Council established under Section 24, and in relation to a province, means the Provincial Youth Council established in relation to that province;

“Service” means the National Youth Service;

“this Act” includes the Regulations;

“volunteer employee” means a person employed under Part IX;

“Ward Youth Council” means a Ward Youth Council established under Section 44 and in relation to a ward or to a Local-level Government area means the Ward Youth Council established in relation to that ward or Local-level Government area;

“youth” means a person who meets the age and such other qualifications as are fixed by the National Youth Council in relation to participation by such persons in various youth programmes initiated by the Commission;

“youth group” means a group of persons who meet such qualifications as are fixed under Section 56.

### **PART II. - NATIONAL YOUTH COMMISSION.**

#### **3. NATIONAL YOUTH COMMISSION.**

(1) A body to be known as the National Youth Commission is hereby established.

- (2) The National Youth Commission -
- (a) is a body corporate with perpetual succession; and
  - (b) shall have a common seal; and
  - (c) may acquire, hold and dispose of property; and
  - (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

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#### **4. FUNCTIONS OF THE COMMISSIONS.**

- (1) The functions of the Commission are -
- (a) to coordinate policy development and provide policy advice to the Government on matters pertaining to youth; and
  - (b) to provide policy advice to the Provincial Governments and Local-level Governments on matters pertaining to youth; and

## *National Youth Commission*

- (c) to identify and provide training opportunities for employees of National, Provincial and Local-level Governments as well as for other young men and women; and
- (d) to facilitate efficient research on youth matters; and
- (e) to provide technical specialist advice to Provincial and Local-level Governments, particularly on matters relating to youth; and
- (f) to establish standards and re-inforce and monitor the level of services offered to youth by Government and non-profit organizations; and
- (g) to monitor the execution of National Youth Development Plans at the Provincial and District levels; and
- (h) to provide opportunities to enable youth to participate meaningfully in activities at the International, National and Local levels.

(2) The National Executive Council may give to the Commission through the Minister directions on policy and the Commission shall give effect to such directions.

### **5. POWERS OF THE COMMISSION.**

The Commission has, in addition to the powers otherwise conferred on it by this Act and any other law, power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions, including the establishment and conduct of business ventures.

## **PART III. - NATIONAL YOUTH COUNCIL.**

### **6. NATIONAL YOUTH COUNCIL.**

There is established a National Youth Council.

### **7. FUNCTIONS OF THE NATIONAL YOUTH COUNCIL.**

The National Youth Council shall -

- (a) advise the National Executive Council on any matter referred to it by the National Executive Council; and
- (b) work with relevant authorities on developments of policy; and
- (c) establish and maintain a strong youth network throughout the country; and
- (d) promote awareness and disseminate information on youth matters through its network; and
- (e) act as the spokesman for youth and for its affiliated members to protect and promote the welfare of youth both locally and internationally; and
- (f) promote youth development initiatives throughout the nation; and
- (g) represent youth on policy matters in Forums locally and internationally; and
- (h) report to the Minister on any matters referred to it by the Minister from time to time.

*National Youth Commission*

**8. MEMBERSHIP OF THE NATIONAL YOUTH COUNCIL.**

- (1) The National Youth Council shall consist of the following members:-
  - (a) one person representing the Papua New Guinea Council of Churches and one person representing the Evangelical Alliance, to be elected at the National Convention; and
  - (b) four youths (one from each region of the country) to represent youth in that region, elected in accordance with Subsection (3); and
  - (c) one person representing the private sector, nominated by the Papua New Guinea Chamber of Commerce; and
  - (d) one person representing the National Government; and
  - (e) two youths representing Professional and Non Government Youth Organizations; and
  - (f) the Commissioner, *ex officio*; and
  - (g) one person to represent women, nominated by the National Council of Women.
  
- (2) The members referred to in Subsection (1)(a), (c), (e) and (g) -
  - (a) shall be appointed by the Minister; and
  - (b) are eligible for reappointment.
  
- (3) The members referred to in Subsection (1)(b) -
  - (a) shall be elected by regional youth leaders at the National Youth Convention held by the National Youth Council every three years; and
  - (b) subject to this Act, hold office until the next succeeding National Youth Convention; and
  - (c) are eligible for re-election.
  
- (4) The member referred to in Subsection (1)(d) shall be appointed by the National Executive Council.
  
- (5) Each member referred to in Subsection (1)(e) -
  - (a) shall be an executive member of a Provincial Youth Council in a region at the time of the National Youth Convention; and
  - (b) shall be endorsed for election by a Provincial Youth Council during election at the National Youth Convention.
  
- (6) The members referred to in Subsection (1) shall hold office on the following terms and conditions:-
  - (a) members shall only be paid a sitting allowance for the duration of all meetings at a rate fixed by the Minister; and
  - (b) the Commission shall meet all their transport, airfares (where applicable), accommodation and meal cost when they are undertaking official business.

## *National Youth Commission*

### 9. **AFFILIATION TO THE NATIONAL YOUTH COUNCIL.**

(1) A Provincial Youth Council is eligible for affiliation to the National Youth Council.

(2) Any National Youth Organization, Association or professional grouping recognized by the National Youth Council is eligible for affiliation to the National Youth Council.

(3) The National Youth Council shall decide on the terms and conditions of affiliation.

(4) The affiliated members of the National Youth Council are eligible to -  
(a) vote in all annual conventions; and  
(b) contest appropriate vacant positions of the Executive Committee of the National Youth Council including Chairmanship and Deputy Chairmanship of the National Youth Council.

### 10. **CHAIRMAN, DEPUTY CHAIRMAN AND SECRETARY.**

(1) There shall be a Chairman of the National Youth Council who shall be elected at a National Convention of the National Youth Council to be held every three years.

(2) There shall be a Deputy Chairman and a Secretary of the National Youth Council who shall be elected by all members appointed to the National Youth Council at its first meeting of its three year term.

(3) Subject to Section 13, the Chairman, Deputy Chairman and Secretary hold office as such until the expiration of the period of their respective appointments or until they cease to be members, whichever first occurs.

### 11. **EXECUTIVE COMMITTEE.**

There shall be an Executive Committee of the National Youth Council which shall consist of the Chairman, the Deputy Chairman, the Secretary and one member of the National Youth Council.

### 12. **LEAVE OF ABSENCE OF MEMBERS.**

The Minister may grant leave of absence to a member of the National Youth Council on such terms and conditions as the Minister determines.

### 13. **VACATION OF OFFICE.**

(1) A member of the National Youth Council, other than an *ex-officio* member may resign his office by writing, signed by him and delivered to the Minister.

(2) Where a member of the National Youth Council -  
(a) dies; or  
(b) becomes permanently incapable of performing his duties; or

### *National Youth Commission*

- (c) resigns his office in accordance with Subsection (1); or
- (d) is absent, except with the written consent of the Minister, from three consecutive meetings of the National Youth Council; or
- (e) ceases to represent the organisation or group he was appointed to represent on the National Youth Council; or
- (f) fails to comply with Section 19; or
- (g) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (h) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction, is sentenced to imprisonment or death,

the Minister shall terminate his appointment.

(3) The Minister may, at any time, by written notice, advise a member of the National Youth Council that he intends to terminate his appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days of receipt of a notice under Subsection (3), the member may reply in writing to the Minister who shall consider the reply, and where appropriate, terminate the appointment.

(5) Where the member, referred to in Subsection (3), does not reply in accordance with Subsection (4), his appointment is terminated.

#### **14. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

The exercise of a power or the performance of a function of the National Youth Council is not invalidated by reason only of a vacancy in the membership of the National Youth Council.

#### **15. CALLING OF MEETINGS.**

(1) Subject to Sections 17 and 18, the National Youth Council shall meet as often as the business of the Commission and/or the National Youth Council requires, and at such times and places as the National Youth Council determines, or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet not less frequently than once in every three months.

(2) Where he receives a request to do so by the Minister or by not less than two members, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Executive Committee within 21 days.

(3) For the purpose of Subsection (1), the Chairman or the Deputy Chairman shall give to every member at least 21 days' notice of the meeting.

*National Youth Commission*

**16. PROCEDURE AT THE NATIONAL YOUTH COUNCIL MEETINGS.**

- (1) At a meeting of the National Youth Council -
- (a) three quarters of the members constitute a quorum; and
  - (b) the Chairman, or in his absence the Deputy Chairman, shall preside, but if both the Chairman and Deputy Chairman are absent, the members present shall appoint a Chairman for that meeting from among their own number; and
  - (c) matters arising shall be decided by a majority of the members present and voting; and
  - (d) the person presiding has a deliberative vote and, in the event of an equality of votes on any matter, also a casting vote.

(2) The National Youth Council shall cause minutes of its meetings to be recorded and kept by it.

(3) Subject to this Act, the procedures of the National Youth Council are as determined by it.

**17. ANNUAL GENERAL MEETING.**

The National Youth Council shall hold, once in each year, an Annual General Meeting of its members and affiliated members.

**18. NATIONAL YOUTH CONVENTION.**

The National Youth Council shall convene, once in every three years, a National Youth Convention.

**19. DISCLOSURE OF INTEREST BY MEMBERS.**

(1) A member of the National Youth Council who has a direct or indirect interest in a matter being considered or about to be considered by the National Youth Council, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the National Youth Council.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the National Youth Council, and the member -

- (a) shall not take part, after the disclosure, in any deliberations or discussion of the National Youth Council in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the National Youth Council for any such deliberation or decision.

*National Youth Commission*

**20. SUSPENSION ETC., OF THE NATIONAL YOUTH COUNCIL.**

- (1) Where, in the opinion of the Minister -
- (a) there is wide-spread corruption in the administration of the National Youth Council; or
  - (b) there has been gross mismanagement of the financial affairs of the National Youth Council; or
  - (c) there has been a breakdown in the administration of the National Youth Council,

the Minister may suspend the National Youth Council.

(2) As soon as practicable after suspending the National Youth Council under Subsection (1), the Minister shall appoint a Caretaker Committee consisting of -

- (a) a senior member of the Commission; and
- (b) three persons who are not members of the National Youth Council or of the staff of the Commission,

for the purpose of carrying out an investigation into the matters giving rise to the suspension, and reporting thereon to the Minister.

(3) In carrying out their functions under Subsection (2), the members of the Caretaker Committee have the full powers of members of the National Youth Council.

(4) The Caretaker Committee shall complete its investigation into the matters giving rise to the suspension and forward a report thereon to the Minister within six months of its establishment, but the Minister may, on application by the Caretaker Committee, extend this period by not more than two months.

(5) The Minister shall consider the report under Subsection (4) and may -

- (a) uplift the suspension of the National Youth Council; and
- (b) revoke the appointments of all or any members of the National Youth Council and appoint interim members to hold office until the annual general meeting of the National Youth Council or the National Youth Convention, whichever shall first occur, and the Caretaker Committee is discharged.

(6) Where the Caretaker Committee fails to provide a report within the period or extended period specified under Subsection (6), the suspension is automatically uplifted and the Caretaker Committee discharged.

**21. COMMITTEES.**

(1) The National Youth Council may, from time to time, establish such committees as it considers necessary for the purposes of the Commission.

## *National Youth Commission*

(2) The National Youth Council shall appoint to be members of a committee at the pleasure of the Executive Committee such number of persons as it thinks fit, including persons who are not members of the National Youth Council or of a Provincial Youth Council.

(3) The functions, powers and procedures of a committee shall be as determined by the National Youth Council on the recommendation of the Commissioner.

(4) Subject to Subsection (5), a member of a committee is subject to the same terms and conditions as a member of the National Youth Council but not both as a member of the National Youth Council and as a member of the committee.

(5) A member of a committee who is not a member of the National Youth Council or of a Provincial Youth Council shall be subject to such terms and conditions as the National Youth Council determines.

### **22. DELEGATION.**

The National Youth Council may by instrument delegate to any committee or the Commissioner or to a Provincial Youth Council, or to a member of the staff of the Commission all or any of its powers and functions under this Act (except this power of delegation).

### **23. REPORTS.**

(1) The National Youth Council shall, by 31 May in each year, furnish to the Minister a report on the progress and performance of the Commission in relation to its functions during the year ended 31 December preceding.

(2) As soon as practicable after he has received a report referred to in Subsection (1), the Minister shall forward the report to the Speaker for presentation to the Parliament.

(3) The National Youth Council shall furnish to the Minister a quarterly performance report and any such other report as he may from time to time require.

## **PART IV. - PROVINCIAL YOUTH COUNCILS.**

### **24. PROVINCIAL YOUTH COUNCIL.**

(1) The National Youth Council may, in relation to each province, establish a Provincial Youth Council.

(2) A Provincial Youth Council may have its own constitution complying with relevant provisions of this Act and approved by the National Youth Council.

*National Youth Commission*

**25. FUNCTIONS OF A PROVINCIAL YOUTH COUNCIL.**

The functions of a Provincial Youth Council are -

- (a) to advise on policy matters relating to youth development in the province; and
- (b) to advise relevant authorities in provinces on any matter referred to it; and
- (c) to promote the interest and aspirations of youth in the province in consultation with the National Youth Council; and
- (d) to make recommendations to the National Youth Council on all matters on behalf of its members; and
- (e) to exercise its powers or any other function delegated or consistent as required by this Act, its constitution or any other laws.

**26. MEMBERSHIP OF A PROVINCIAL YOUTH COUNCIL.**

(1) A Provincial Youth Council shall consist of -

- (a) the Chairman of each District Youth Council in the province; and
- (b) one youth representing women in the province; and
- (c) one person representing the private sector in the province; and
- (d) one youth representing non-government youth organizations in the province; and
- (e) two persons representing churches in the province; and
- (f) the provincial youth officer.

(2) The members referred to in Subsection (1)(b), (c), (d) and (e) shall be nominated by appropriate recognized groups in the province.

(3) The members of a Provincial Youth Council shall -

- (a) subject to Section 29, hold office for a period of three years; and
- (b) hold office on such terms and conditions as provided in the Provincial Youth Council's constitution; and
- (c) be eligible for re-appointment.

**27. EXECUTIVE MEMBERS OF A PROVINCIAL YOUTH COUNCIL.**

The members of a Provincial Youth Council shall elect from their own number an executive consisting of a Chairman, Deputy Chairman, Secretary, Treasurer and Executive Officer.

**28. LEAVE OF ABSENCE OF MEMBER.**

The Chairman may grant leave of absence to a member of a Provincial Youth Council on such terms and conditions as the Chairman determines.

*National Youth Commission*

**29. VACATION OF OFFICE.**

(1) A member of a Provincial Youth Council may resign his office by written notice to the Chairman.

(2) Where a member of a Provincial Youth Council -

- (a) dies; or
- (b) becomes permanently incapable of performing his duties; or
- (c) resigns his office in accordance with Subsection (1); or
- (d) is absent, except with the written consent of the Chairman, from three consecutive meetings of the Provincial Youth Council; or
- (e) fails to comply with Section 32; or
- (f) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (g) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, and as a result is sentenced to imprisonment,

the Provincial Youth Council shall, at a meeting of the Provincial Youth Council, terminate the appointment.

(3) The Chairman may, at any time, by written notice, advise a member of a Provincial Youth Council that he intends to terminate his appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (3), the member may reply in writing to the Chairman who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the member referred to in Subsection (3) does not reply in accordance with Subsection (4), his appointment is terminated.

**30. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

The exercise of a power or the performance of a function of a Provincial Youth Council is not invalidated by reason of a vacancy in the membership of the Provincial Youth Council.

**31. CALLING OF MEETINGS.**

(1) A Provincial Youth Council shall meet as often as the business of the Provincial Youth Council requires, and at such times and places as the Provincial Youth Council determines, or as the Chairman, or in his absence, the Deputy Chairman, determines but in any event shall meet not less frequently than once in every three months.

*National Youth Commission*

(2) Where he receives a request to do so by not less than two members, the Chairman shall convene a meeting within 21 days.

**32. DISCLOSURE OF INTEREST BY MEMBER OF A PROVINCIAL YOUTH COUNCIL.**

(1) A member of a Provincial Youth Council who has a direct or indirect interest in a matter being considered or about to be considered by the Provincial Youth Council, otherwise than as a member of and in common with the other members of an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Provincial Youth Council.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Provincial Youth Council and the member of the Provincial Youth Council -

(a) shall not take part, after the disclosure, in any deliberations or discussions of the Provincial Youth Council in relation to the matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Provincial Youth Council for any such deliberation or decision.

**33. SUSPENSION OF A PROVINCIAL YOUTH COUNCIL.**

(1) The National Youth Council may, after considering a recommendation of the Commission, suspend the operation of a Provincial Youth Council on its failure to implement or comply with the provisions of this Act.

(2) Upon suspension under Subsection (1), the powers, functions, duties and responsibilities of the Provincial Youth Council vest in the Provincial Youth Office and the National Youth Commission.

(3) During the period of suspension of a Provincial Youth Council under Subsection (1), the Commissioner shall take such steps as are necessary to rectify the matters giving rise to the suspension in consultation with relevant provincial authorities.

(4) Where the matters giving rise to the suspension have been rectified to the satisfaction of the National Youth Council, the Chairman shall uplift the suspension and -

(a) reinstate the suspended members of; or

(b) revoke the appointments of the members of, and call for fresh nominations to,

the Provincial Youth Council.

## *National Youth Commission*

(5) A suspension of a Provincial Youth Council shall be investigated and a report be presented to the National Youth Council within six months, and failure to do so shall nullify the suspension.

(6) Before revoking the appointment of a member of a Provincial Youth Council under Subsection (4), the Chairman of the National Youth Council shall follow the procedures set out in Section 29(3), (4) and (5).

### **34. REPORTS.**

(1) A Provincial Youth Council shall forward a quarterly report to the National Youth Council and to the relevant provincial authority.

(2) An Annual Report shall be presented to the Annual General Meeting of the National Youth Council.

## **PART V. - DISTRICT YOUTH COUNCILS.**

### **35. DISTRICT YOUTH COUNCILS.**

(1) The Provincial Youth Council may, in relation to each district (if any) in the province, establish a District Youth Council.

(2) A District Youth Council shall have a constitution complying with relevant provisions of this Act and approved by the National Youth Council.

### **36. FUNCTIONS OF DISTRICT YOUTH COUNCIL.**

The functions of a District Youth Council are -

- (a) to provide a forum for youth at the district level; and
- (b) to consult and discuss issues of importance to youth development in the district; and
- (c) to advise on any matters referred to it; and
- (d) to assist in coordinating and promoting youth activities and programmes at the district level; and
- (e) to exercise its powers or any other functions delegated and consistent as required by this Act, its constitution or any other law.

### **37. MEMBERSHIP OF DISTRICT YOUTH COUNCIL.**

(1) A District Youth Council shall consist of -

- (a) the elected Chairman of each Ward Youth Council in the district; and
- (b) one youth representing women in the district, nominated by the district womens council; and
- (c) two youths representing churches in the district, nominated by the churches in the district; and

*National Youth Commission*

- (d) the district community development officer; and
- (e) one community representative in the district, nominated by the District Administrator.

- (2) The members of a District Youth Council shall -
- (a) be appointed by the District Administrator; and
  - (b) subject to Section 40, hold office for a period of three years; and
  - (c) hold office on such terms and conditions as provided in their council's constitution; and
  - (d) be eligible for re-appointment.

**38. EXECUTIVE MEMBERS.**

The members of a District Youth Council shall elect from their own number an executive consisting of a Chairman, a Deputy Chairman, a Secretary, a Treasurer and an Executive Officer.

**39. LEAVE OF ABSENCE.**

The constitution of a District Youth Council shall provide for the conditions relating to leave of absence of members of the District Youth Council.

**40. VACATION OF OFFICE.**

The constitution of a District Youth Council shall provide for the conditions and procedures relating to vacation of office of members of the District Youth Council.

**41. MEETINGS OF A DISTRICT YOUTH COUNCIL.**

(1) A District Youth Council shall meet as often as the business of the District Youth Council requires, and at such times and places as the District Youth Council determines, or the Chairman, or in his absence, the Deputy Chairman, determines and shall meet not less frequently than once in every three months.

(2) Where he receives a request to do so by not less than two members of the District Youth Council, the Chairman shall convene a meeting of the District Youth Council.

**42. SUSPENSION OF DISTRICT YOUTH COUNCIL.**

(1) The Provincial Youth Council may, after considering a report on a District Youth Council, suspend a District Youth Council where it appears that there has been -

- (a) mismanagement of the financial affairs of the District Youth Council; or
- (b) a breakdown of the administration of the District Youth Council.

(2) The duration of the suspension of a District Youth Council shall not exceed six months and the Provincial Youth Council shall carry out an investigation and take measures necessary and appropriate before reinstating the District Youth Council.

*National Youth Commission*

**43. REPORTS.**

A District Youth Council shall forward quarterly reports to the Provincial Youth Council and the District Administration on its operations.

**PART VI. - WARD YOUTH COUNCILS.**

**44. WARD YOUTH COUNCILS.**

(1) A Provincial Youth Council may, in relation to each local-level government area, establish a Ward Youth Council.

(2) A Ward Youth Council shall have a constitution complying with relevant sections of this Act and approved by the Provincial Youth Council.

**45. FUNCTIONS OF THE WARD YOUTH COUNCIL.**

The functions of a Ward Youth Council are -

- (a) to provide a forum at the ward level for consultation, sharing and discussion of issues of concern to youth leaders and groups; and
- (b) to assist in coordinating and promoting youth activities systematically at the ward level; and
- (c) to exercise its powers or any other functions delegated by this Act, its constitution or any other law.

**46. MEMBERSHIP OF A WARD YOUTH COUNCIL.**

(1) The membership of a Ward Youth Council shall consist of -

- (a) the Chairman of each registered youth group in the ward; and
- (b) two persons representing churches in the ward; and
- (c) one youth representing women in the ward; and
- (d) one community representative.

(2) The person referred to in Subsection (1)(d) shall be nominated by the Local-level Government.

(3) The members of a Ward Youth Council shall hold office -

- (a) subject to Section 51, for a period of three years; and
- (b) on such terms and conditions as provided in their Council's approved constitution; and
- (c) be eligible for re-appointment.

**47. EXECUTIVE MEMBERS.**

A Ward Youth Council shall elect from its own numbers an executive consisting of a Chairman, a Deputy Chairman, a Secretary, a Treasurer and an Executive Officer.

## *National Youth Commission*

### **48. LEAVE OF ABSENCE.**

The constitution of a Ward Youth Council shall provide for leave of absence of members of the Ward Youth Council.

### **49. VACATION OF OFFICE.**

The constitution of a Ward Youth Council shall provide for the conditions and procedures relating to vacation of office of members of the Ward Youth Council.

### **50. MEETING OF THE WARD YOUTH COUNCIL.**

(1) A Ward Youth Council shall meet as often as the business of the Ward Youth Council requires, and at such times and places as the Ward Youth Council determines, or as the Chairman, or in his absence, the Deputy Chairman, directs but in any event shall meet not less frequently than once in every three months.

(2) Where he receives a request to do so by not less than two members, the Chairman shall convene a meeting of the Ward Youth Council.

### **51. SUSPENSION OF WARD YOUTH COUNCIL.**

(1) The Provincial Youth Council may, after considering a report on a Ward Youth Council, suspend the Council where it appears that there has been -

- (a) mismanagement of the financial affairs of the Ward Youth Council; or
- (b) a breakdown of the administration of the Ward Youth Council.

(2) The duration of the suspension of a Ward Youth Council shall not exceed six months, and the Provincial Youth Council shall carry out an investigation and take measures necessary and appropriate before reinstating the Ward Youth Council.

### **52. REPORTS.**

A Ward Youth Council shall forward quarterly reports to the Local-level Government, Provincial Youth Council and the District Youth Council on its operations.

## **PART VII. - CENTRES AND YOUTH GROUPS.**

### **53. CENTRES, ETC.,**

The National Youth Council may establish such centres and institutions as, in the opinion of the National Youth Council, are necessary for the purposes of the Commission.

### **54. ADMINISTRATION OF CENTRES AND INSTITUTIONS, ETC.,**

The National Youth Council shall, through the Commission, maintain and administer all centres and institutions established under Section 53.

## *National Youth Commission*

### **55. PRIVATELY ESTABLISHED CENTRES, ETC.,**

The National Youth Council may recognise and assist centres and institutions established by any person or group or organization other than the National Youth Council.

### **56. YOUTH GROUPS.**

(1) For the purposes of Subsection (2)(a), (b), (c) and (d) "youth" means a person not less than 12 years of age and not more than 35 years of age.

(2) Any of the following groupings constitute a youth group for the purpose of this Act:-

- (a) an organized family based grouping of youth; or
- (b) an organized common interest grouping of youth; or
- (c) an organized church-based grouping of youth; or
- (d) an organized youth activity-based grouping of youth.

(3) The Provincial Youth Councils shall set guidelines and conditions for youth group recognition in their respective provinces in line with Subsection (2).

## **PART VIII. - STAFF OF THE COMMISSION.**

### **57. COMMISSIONER.**

(1) There shall be a Commissioner of the Commission who shall be appointed by the Head of State, acting with, and in accordance with, the advice of the National Executive Council.

(2) The Commissioner is -

- (a) the Chief Executive of the Commission; and
- (b) the Chief Financial Delegate of the Commission; and
- (c) the head of the staff of the Commission.

### **58. FUNCTIONS, ETC., OF THE COMMISSIONER.**

(1) The Commissioner shall -

- (a) manage the Commission in accordance with the policy and direction of the National Youth Council; and
- (b) advise the National Youth Council on any matter concerning the Commission referred to him by the National Youth Council; and
- (c) carry out and perform the duties required of him under this Act; and
- (d) advise the Minister on any matters concerning the Commission or referred to him by the Minister; and
- (e) perform such other functions as the National Youth Council may from time to time determine.

## *National Youth Commission*

(2) The Commissioner may, by instrument in writing, delegate to an officer or employee of the Commission all or any of his powers and functions under this Act (except this power of delegation).

### **59. OFFICERS.**

(1) The Commissioner may recruit and appoint to be officers and employees of the Commission, such persons as he considers necessary for the purposes of giving effect to this Act.

(2) The Commissioner and the officers appointed under Subsection (1) and the employees appointed under Part IX, constitute the staff of the Commission.

(3) In recruiting and appointing persons under Subsection (1), the Commissioner shall, insofar as is appropriate, follow the procedures relating to recruitment and employment as specified in the General Orders issued under the *Public Services (Management) Act 1995*.

### **60. CONDITIONS OF EMPLOYMENT.**

The staff of the Commission shall hold office on such terms and conditions as determined from time to time and subject to the *Salaries and Conditions Monitoring Committee Act 1988* and the *Public Service (Management) Act*.

### **61. CONSULTANTS.**

The Commissioner may from time to time -

- (a) after consultation with the National Youth Council; and
- (b) in accordance with the Consultancy Steering Committee's requirements and within the limit of funds lawfully available for the purpose; and
- (c) on such terms and conditions as are fixed by the National Youth Council,

engage such consultants as, in the opinion of the Commissioner, are necessary for the purposes of the Commission.

## **PART IX. - VOLUNTEER EMPLOYEES.**

### **62. APPLICATION FOR EMPLOYMENT.**

(1) A person may apply to the Commissioner for employment as a volunteer employee.

(2) An application under Subsection (1) shall be in such form and contain such particulars as may be fixed by the Commissioner.

*National Youth Commission*

**63. APPOINTMENT OF VOLUNTEER EMPLOYEES.**

(1) After consideration of an application under Section 62, the Commissioner may employ a person as a volunteer employee.

(2) A volunteer employee shall be employed for a term not exceeding three years and is eligible for re-employment.

**64. CONDITIONS OF EMPLOYMENT.**

(1) A volunteer employee shall be -

(a) employed under a written contract of employment fixed by the Commissioner; and

(b) subject to Subsection (2), paid such salary and allowances as the National Youth Council may determine.

(2) In determining the salaries and allowances under Subsection (1)(b), the National Youth Council has power to determine salaries and allowances lower than the minimum salaries prescribed by any law relating to the determination of salaries and conditions of employment.

**65. DUTIES OF VOLUNTEER EMPLOYEES.**

A volunteer employee shall perform such functions and carry out such duties as are specified in his contract of employment and as are directed by the Commissioner.

**66. NON-CITIZEN VOLUNTEER EMPLOYEES.**

(1) The Commissioner may employ a non-citizen as a volunteer employee.

(2) A non-citizen volunteer employee shall be employed under a written contract of employment fixed by the Commissioner and is otherwise subject to the same conditions of employment as a volunteer employee under Sections 63, 64 and 65.

(3) The *Public Employment (Non-Citizens) Act* (Chapter 342) does not apply to a non-citizen employed as a volunteer employee under this Act.

**PART X. - FINANCES.**

**67. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT.**

Part VIII of the *Public Finance (Management) Act 1995* applies to and in relation to the Commission.

**68. CHARGES OF SERVICES.**

(1) The Commission may charge for services provided by it at such rates as the National Youth Council, after consultation with the Commissioner, may determine.

## *National Youth Commission*

(2) The charges referred to in Subsection (1) shall be collected in such manner as the Commissioner may determine.

### **69. FUNDS OF THE COMMISSION.**

- (1) The funds of the Commission consist of -
- (a) all monies appropriated by Act for the purpose of carrying out or giving effect to this Act; and
  - (b) all monies received by the Commission by way of grant and subscription; and
  - (c) all monies received by the Commission for services provided by the Commission; and
  - (d) all other monies received by the Commission in exercise and performance of its powers, functions and duties.
- (2) The monies of the Commission may be expended only -
- (a) in payment or discharge of expenses, obligations and liabilities of the Commission; and
  - (b) in payment of the remuneration and allowances of members of the National Youth Council and of officers, employees and volunteer employees of the Commission; and
  - (c) for such other purposes that are consistent with the functions of the Commission as the National Youth Council, after consultation with the Commissioner, may determine.

## **PART XI. - MISCELLANEOUS.**

### **70. PUBLIC SERVICE RIGHTS.**

Where the Commissioner or a person employed under Parts VI and VII was, immediately before his employment, an officer in the Public Service, a State Service or other governmental body, his service on the staff of the Commission shall be counted as service in the Public Service, the State Service or other governmental body, as the case may be, for the purpose of determining his rights (if any) in respect of -

- (a) leave of absence on the ground of illness; and
- (b) furlough or pay instead of furlough (including pay to dependants on the death of a person).

### **71. REGULATION.**

The Head of State, acting on advice, may make regulations not consistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out for giving effect to this Act, in particular for prescribing fees or charges and for prescribing penalties of fines not exceeding K200.00 for offence against the regulation.

*National Youth Commission*

**PART XII. - REPEAL, SAVINGS AND TRANSITIONAL.**

**72. REPEAL.**

The *National Youth Service Act 1991* is repealed.

**73. INTERPRETATION.**

In this Part -

“repealed Act” means the Act repealed by Section 72;

“Service” means the National Youth Service established under the repealed Act.

**74. TRANSFER OF ASSETS, ETC.,**

All the assets, property, rights, obligations and liabilities which, immediately before the coming into operation of this Act, were vested in or imposed on the Service, are, on that coming into operation, transferred to and become the assets, property, rights, obligations and liabilities of the Commission.

**75. OFFICERS, EMPLOYEES AND VOLUNTEER EMPLOYEES.**

A person who immediately before the coming into operation of this Act, held office as an officer, employee or volunteer employee of the Service, is on that coming into operation, deemed to be an officer, employee or volunteer employee of the Commission in the same or equivalent position or category and on the same terms and conditions of employment as were applicable to him before that coming into operation.

**76. SAVINGS OF CONTRACTS, ETC.,**

All contracts, agreements, conveyances, deeds, leases, licences and other instruments and undertakings entered into by, made with, or addressed to the Service, whether alone or with any other person, before and in effect immediately before, the coming into operation of this Act are, on that coming into operation, to the extent that they were previously binding on and enforceable against the Service, binding on and of full force and effect in every respect against or in favour of the Commission as if, instead of the Service, the Commission had been a party to them or bound by them or entitled to the benefit of them.

**77. ACTIONS, ETC., NOT TO ABATE.**

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by, against or in favour of the Service it does not, on that date, abate or discontinue or be in any way affected by the provisions of this Act, but it may be presented, continued and enforced by or against the Commission as and when it might have been continued or enforced by or against the Service as if this Act had not been made.

*National Youth Commission*

**78. APPLICATION OF ACTS, ETC.,**

Where -

- (a) any enactment or subordinate enactment other than this Act; or
- (b) any document or instrument wherever made or executed,

contains a reference express or implied to the Service, that reference shall, after the date of coming into operation of this Act, except where the context otherwise requires, be read and construed and has effect as a reference to the Commission.

**79. INTERIM NATIONAL YOUTH COUNCIL.**

(1) There is established an Interim National Youth Council consisting of -

- (a) the Commissioner; and
- (b) four persons, one from each region of the country to represent the youth in that region; and
- (c) one person to represent the churches in the country.

(2) The persons referred to in Subsection (1)(b) and (c) shall be appointed by the Minister by notice in the National Gazette.

(3) The functions of the Interim National Youth Council are -

- (a) to arrange for the appointment of members of the National Youth Council in accordance with Part III; and
- (b) pending the appointment of the National Youth Council to perform the functions of the National Youth Council.

I hereby certify that the above is a fair print of the *National Youth Commission Act 1999* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Youth Commission Act 1999* was made by the National Parliament on 1 December 1999.

Speaker of the National Parliament.

