



## REPUBLIC OF VANUATU

### NATIONAL YOUTH AUTHORITY ACT NO. 6 OF 2018

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# REPUBLIC OF VANUATU

**Assent:** 06/07/2018  
**Commencement:** 07/08/2018

## NATIONAL YOUTH AUTHORITY ACT NO. 6 OF 2018

An Act to provide for the establishment of the National Youth Authority, matters relating to national youth management and other related matters.

Be it enacted by the President and Parliament as follows-

### PART 1 PRELIMINARY MATTERS

#### 1 Interpretation

In this Act, unless a contrary intention appears:

**Authority** means the National Youth Authority established under subsection 3(1);

**CEO** means the Chief Executive Officer of the National Youth Authority appointed under subsection 17(1);

**Council** means the National Youth Council established under section 13;

**Director** means the Director of the Department of Youth;

**Minister** means the Minister responsible for the Ministry of Youth Development;

**youth** means any person aged between 12 to 30 years of age, including those with disabilities;

**youth committees** means a provincial youth committee or a municipal youth committee established by the Authority under section 14;

**youth workers** means any person who intends to provide services to youths or youth groups in Vanuatu for the purposes of youth development or growth, but does not include a person employed by service providers or institutions exempted by the Minister on the advice of the Authority by Order;

**Youth Workers Association** means the Youth Workers Association established under section 16;

**youth sub-committees** means a ward or area sub-committee established by the Authority under section 14.

## **2 Objective of the Act**

The objectives of this Act are:

- (a) to institute a clean and manageable framework to guide and enhance the delivery of youth development programs and services through sector wide partnerships approaches at all levels of participation; and
- (b) to provide coordination, direction and support the development of youth programs in Vanuatu; and
- (c) to establish higher standards of youth development programs in all youth related service delivery including training pathways for out of school youth; and
- (d) to improve the participation of youths in youth development programs, national platforms and services; and
- (e) to support and encourage excellence, leadership and innovative performance of youth and youth service providers through capacity building programs, incentives and research; and
- (f) to initiate, design, coordinate, evaluate and monitor all programmes aimed at integrating the youth into the economy and society in general.

## **PART 2 NATIONAL YOUTH AUTHORITY AND THE NATIONAL YOUTH COUNCIL**

### **Division 1 Establishment of the National Youth Authority**

#### **3 National Youth Authority**

- (1) The National Youth Authority is established.
- (2) The Authority is:
  - (a) a body corporate with perpetual succession; and
  - (b) to have a common seal; and
  - (c) capable of suing and being sued.

#### **4 Composition of the Authority**

The Authority consists of the following persons:

- (a) the President of the Vanuatu National Youth Council; and
- (b) a representative of the youth service providers from the productive sector nominated by the Chamber of Commerce; and
- (c) a representative the Vanuatu qualification authority; and
- (d) a representative of Civil Society Organizations nominated by the Vanuatu Association of Non-Government Organisations; and
- (e) a representative of the youth workers nominated by the Youth Workers Association; and
- (f) a representative of the Local Authorities nominated by the Department of Local Authorities; and
- (g) the Director; and
- (h) a representative of the Minister.

#### **5 Chairperson and Deputy Chairperson of the Authority**

- (1) The members of the Authority are to elect from amongst themselves the Chairperson and Deputy Chairperson of the Authority for a term not exceeding 2 years.

- (2) The Chairperson or Deputy Chairperson may be removed at any time at a meeting of the Authority by a simple majority of votes.

**6 Term of appointment of members**

- (1) The members under paragraphs 4(b), (c), (d), (e), (f) and (h) may be appointed by the Minister, by Order, for a period of not more than 2 years and may be re-appointed.
- (2) The Minister may remove a member of the Authority on the recommendation of the nominating authority.
- (3) Despite subsection (2), a member of the Authority may resign by notice in writing to the Minister.
- (4) The members under paragraphs 4(a) and (g) are to be members of the Authority ex-officio by virtue of holding their respective offices.
- (5) To avoid doubt, subsection (2) does not apply to members under paragraphs 4(a) and (g).

**7 Functions of the Authority**

The Authority has the following functions:

- (a) to coordinate and decide on matters of policy development and procedure and to provide advice to the Government on matters pertaining to youth; and
- (b) to provide policy and technical advice and strategic directions to the Provincial Governments and Municipal Governments on matters pertaining to youth; and
- (c) to ensure the participation of youths and their access to national and international youth development programs at all levels; and
- (d) to support and promote individual youths and stakeholders on innovative and sustainable efforts to advance equitable youth development work in Vanuatu; and
- (e) to initiate, encourage and facilitate research and study into improving and assessment of youth development programs; and
- (f) to establish standards for youth development programs 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 Policy and Strategy at the all levels; and
- (h) to provide any such reports as may requested by the Minister from time to time; and
- (i) to comply with any lawful directions of the Minister; and
- (j) such other functions as are conferred on the Authority by this Act or any other Act.

**8 Powers of the Authority**

- (1) The Authority has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions under this Act or any other Act.
- (2) Without limiting subsection (1), the Authority has the power to do all or any of the following:
  - (a) to acquire, purchase, hold, manage and dispose of real or personal property;
  - (b) to formulate and implement policies in respect of matters related to youth;
  - (c) to develop any land or other property and to build and maintain buildings or other structures being owned by the Authority;
  - (d) to enter into agreements with any local authority, corporation, society, firm or person for the management and maintenance of any property owned by the Authority;
  - (e) to charge fees for admission to land or buildings vested in it or under its control, or in respect of any activity promoted, arranged or controlled by it, as the Authority thinks fit;
  - (f) to hire and terminate staff of the Authority from time to time in accordance with the National Youth Authority Staff Manual;
  - (g) to prescribe standards for youth service providers and youth workers.

**9 Delegation of functions and powers**

- (1) The Authority may, in writing, delegate to the CEO or any staff of the Authority any of its functions or powers under this Act, other than the power of delegation.
- (2) The delegation may be made generally, or in respect of a particular matter or class of matters.
- (3) The Authority may at any time revoke or vary a delegation.
- (4) To avoid doubt, a delegation does not prevent the Authority from performing the function or exercising the power that it has delegated.

**Division 2 Meeting of the Authority**

**10 Meetings**

- (1) The Authority is to meet at least 2 times a year and may hold such other meetings as are necessary for the proper performance of its functions.
- (2) The Chairperson of the Authority is to preside at all meetings of the Authority and in his or her absence, the Deputy Chairperson is to preside at these meetings.
- (3) At a meeting of the Authority, a quorum consists of:
  - (a) the Chairperson or the Deputy Chairperson if the Chairperson is for any reason unable to attend or preside at the meeting; and
  - (b) 3 members present at that meeting.
- (4) The Authority may meet despite any vacancies in its membership so long as a quorum is present.
- (5) A member present at a meeting has 1 vote and questions arising at a meeting are to be decided by a majority of votes.
- (6) If the votes tie at a meeting, the member presiding at the meeting has a casting vote.
- (7) The CEO has no voting rights at any meetings of the Authority.
- (8) Subject to this Act, the Authority is to determine and regulate its own procedures.



**11 Alternate members**

- (1) If a member is for any reason unable to attend a meeting of the Authority, he or she may nominate:
  - (a) in the case of the President of the Vanuatu National Youth Council -a person from within the Vanuatu National Youth Council; or
  - (b) in the case of the Director-a person from within the Department of Youth Development,to represent him or her at a meeting of the Authority.
- (2) The CEO must attend all meetings of the Authority and if he or she is unable to attend a meeting, he or she must nominate a staff of the Authority to attend on his or her behalf.
- (3) The CEO is to maintain a register of alternate members.
- (4) An alternate member acting on behalf of a member of the Authority is deemed to be a member of the Authority.

**12 Sitting allowances**

A member, an alternate member and the CEO are to be paid a sitting allowance of VT10,000 for meetings of the Authority which the member, alternate member or CEO attends.

**Division 3 National Youth Council and other Youth Committees and Youth sub-committees**

**13 National Youth Council**

- (1) The National Youth Council is established to represent Youth in Vanuatu.
- (2) The Authority is to determine the functions, procedures and composition of the Council, as well as any other matters necessary for the operation of the Council, and includes providing for financial reporting requirements.
- (3) Subject to subsection (4), the Authority is to appoint members of the Council.
- (4) The Authority must ensure that members appointed to the Council:
  - (a) are nominated by and are representatives of each Youth Committee established under section 14; and

- (b) must be between that ages of 12 to 30 years; and
  - (c) must have an equal representation of both male and female; and
  - (d) must have a fair representation of persons with disabilities.
- (5) The appointment of members of the Council is to be published in the Gazette.
- (6) A member of the Council appointed under this section may be paid a sitting allowance as prescribed by the Authority.

**14 Youth Committees and Youth sub-committees**

- (1) The Authority may, by Order published in the Gazette, provide for the establishment, functions, powers, meetings and sitting allowances for the following subsets of the National Youth Council:
- (a) Provincial Youth Committees in each Provincial Government Region; and
  - (b) Municipal Youth Committees in each Municipal Government Region; and
  - (c) Ward and Area sub-committees in each ward and area committees for each Municipal Government Region and Provincial Government Region.

**15 Funds of the National Council, Youth Committees and Youth sub-committees**

- (1) The Authority must ensure that the National Council and all Youth Committees and Youth sub-committees established under section 14 are sufficiently funded.
- (2) All funds of the National Council and all Youth Committees and Youth sub-committees must be applied solely towards the performance of their respective functions in accordance with the Public Finance and Economic Management Act [CAP 244] and its Regulations.
- (3) The National Council and all Youth Committees and Youth sub-committees must comply with all record keeping and reporting requirements as required by the Authority.

**Division 4 Youth Workers Association**

**16 Youth Workers Association**

- (1) The Youth Workers Association is established to represent Youth Workers in Vanuatu.
- (2) Subject to subsection (3), all youth workers registered under section 23 are members of the Youth Workers Association.
- (3) The Association may determine terms and conditions for membership and may determine the fees to be paid before a person may become a member of the Association.
- (4) The Association may establish rules necessary for its operations and procedures.

## **PART 3 CHIEF EXECUTIVE OFFICER, OTHER STAFF AND SUB-COMMITTEES OF THE AUTHORITY**

### **Division 1 Chief Executive Officer**

#### **17 Appointment of CEO**

- (1) The CEO of the Authority is to be appointed by the Authority for a period of 5 years and is eligible for re-appointment.
- (2) The Authority is to determine the terms and conditions of employment of the CEO.
- (3) A person is disqualified from being appointed as the CEO if the person:
  - (a) is permanently incapacitated; or
  - (b) is a member of Parliament, a Provincial Government Council or a Municipal Council; or
  - (b) is or has been declared bankrupt; or
  - (c) has been convicted of an offence and sentenced to a term of imprisonment for a term of imprisonment for 6 months or more, whether or not it is a suspended sentence.
- (4) The CEO ceases to hold office if:
  - (a) he or she is disqualified for appointment under subsection (3); or
  - (b) he or she becomes permanently incapable of performing his or her functions under this Act; or
  - (c) he or she resigns from his or her office by notice in writing addressed to the Authority; or
  - (d) his or her appointment is terminated by the Authority for a serious breach of the terms and conditions of his or her employment.
- (5) If there is a vacancy in the office of the CEO, the Authority is to appoint a senior staff of the Authority, as the Acting CEO until the CEO is appointed.

- (6) On the commencement of this Act, the Minister is to appoint a senior staff of the Department, to be nominated by the Director, as the acting CEO until such time a CEO is appointed by the Authority.

**18 Functions of the CEO**

The CEO has the following functions:

- (a) to be responsible for the day to day administration of the Authority; and
- (b) to convene meetings of the Authority at the request of the Chairperson or majority of members of the Authority; and
- (c) to create, maintain and keep an up to date record of registered youth service providers, youth workers and other registered youth groups operating in Vanuatu; and
- (d) to prepare and circulate agendas for meetings of the Authority; and
- (e) to coordinate, facilitate and implement the decisions of the Authority; and
- (f) to take, keep and maintain a proper record of the minutes of all meetings of the Authority and circulate them within 3 weeks after each meeting to the members; and
- (g) to act on any matters that the Authority directs him or her to act on in relation to matters of the administration of the Authority; and
- (h) to mobilise appropriate resources for the efficient implementation of all decisions of the Authority; and
- (i) to prepare an annual budget of the Authority for the Authority's approval; and
- (j) to report back to the Authority on revenue collected and expenditures at the end of each financial year; and
- (k) to prepare a staff manual for the staff of the Authority which is to be approved by the Authority; and
- (l) such other functions that may be conferred on the CEO by this Act or any other Act.

## **Division 2 Staff of the Authority**

### **19 Appointment of Staff of the Authority**

- (1) The Authority may employ any staff as it may consider necessary for the proper and efficient performance of the functions of the Authority in accordance with the procedures outlined in the staff manual.
- (2) The Authority must only appoint a staff to a position that exists within the staffing structure that it has approved.
- (3) The Authority is to determine the terms and conditions of the employment of the staff of the Authority.
- (4) The appointment of a staff must follow a fair and transparent selection process and must be based on merit.

### **20 Discipline of Staff**

- (1) The Authority may conduct disciplinary proceedings in accordance with the staff manual of any staff who commits a disciplinary offence.
- (2) For the purposes of subsection (1), a **disciplinary offence** means any disciplinary offences as outlined by the staff manual of the Authority under subsection 21(1).

### **21 Staff manual of the Authority**

- (1) Subject to the provisions of this Act and its Regulations prescribed, the Authority may from time to time publish a National Youth Authority Staff Manual to provide for:
  - (a) eligibility for appointment to the National Youth Authority; and
  - (b) procedure for such appointment (including probationary appointments and periods); and
  - (c) salaries, allowances and payments in respect of overtime; and
  - (d) mileage allowance and use of vehicles; and
  - (e) subsistence, posting and travelling allowances; and
  - (f) travel allowances beyond Vanuatu; and
  - (g) housing benefits; and

- (h) general conduct; and
  - (i) discipline; and
  - (j) leave entitlements; and
  - (k) medical entitlements; and
  - (l) training and courses; and
  - (m) cessation of service; and
  - (n) superannuation; and
  - (o) employment of contract employees.
- (2) Subject to the provisions of this Act and its Regulations, the Authority may from time to time issue instructions relating to any matter in this Act and the Staff Manual and every instruction, if lawfully made, is to be complied with by every employee.
- 22 Protection of persons acting under authority of the Act**
- (1) The members of the Authority, CEO, staff of the Authority or any person authorised by the Authority, is not liable to an action or other proceeding for damages for or in respect to an act done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of a function or power conferred on him or her by this Act.
- (2) A person is not exempted from liability under subsection (1), for any act or omission that constitutes bad faith or gross negligence on the part of that person.

## **PART 4 NATIONAL YOUTH MANAGEMENT**

### **Division 1 Registration of service providers, youth workers and youth groups**

#### **23 Definition**

For the purposes of this Part:

**service providers** means a person or a body corporate who intends to provide services to youths or youth groups in Vanuatu for the purposes of youth development or growth, but does not include institutions exempted by the Minister on the advice of the Authority;

**youth groups** means any permanent assembly of youth in Vanuatu set up for the purpose of facilitating youth development or growth, but does not include educational, vacation and other training institutions.

#### **24 Registration of service providers and youth workers**

- (1) A service provider or youth worker must not operate in Vanuatu unless that service provider or youth worker is registered with the Authority.
- (2) The Authority must not register a service provider or youth worker unless the applicant has:
  - (a) completed the prescribed registration form to the satisfaction of the Authority; and
  - (b) paid the prescribed fee to the Authority.
- (3) A registration under this section is valid for a period of 12 months and may be renewed after a review has been conducted by the Authority.
- (4) The Authority may exempt a service provider or youth worker from a review for the renewal of a registration.
- (5) A registered service provider or youth worker is not entitled to any funding by the Authority.
- (6) A service provider or youth worker who contravenes subsection (1) commits an offence and is liable on conviction:
  - (a) in the case of an individual - to a fine not exceeding VT200,000 or by imprisonment for a term not exceeding 12 months, or both; or



- (b) in the case of a body corporate - to a fine not exceeding VT1,000,000.

**25 Registration of youth groups**

- (1) A youth group must not operate in Vanuatu unless it is registered with a Youth Committee or any other Youth sub-committee established under section 14 as may be required by the Authority.
- (2) A Youth Committee or any other Youth sub-committee referred to under subsection (1) must not register a youth group unless the youth group:
  - (a) has 10 or more members; and
  - (b) has an annual work plan or strategic plan and the scope and nature of operations are expressly stated; and
  - (c) has sufficient resources or funding source to operate; and
  - (d) has paid the prescribed fee as determined by the Authority to the relevant Council or Committee.
- (3) A youth group that is not registered under this section is not entitled to:
  - (a) funding from the Authority; and
  - (b) attend any meetings of the relevant Youth Committee or Youth sub-committee established under section 14; and
  - (c) be recognised by the Authority and other Government agencies as a youth group; and
  - (d) any benefit or opportunity provided by the Authority.

**26 Register of service providers, youth workers and youth groups**

- (1) The CEO must keep and maintain a register of:
  - (a) service providers; and
  - (b) youth workers; and
  - (c) youth groups.

- (2) The register is to contain the details of each service provider, youth worker or youth group including their names, address, contact and their category of registration.
- (3) Each Youth Committee and any other Youth sub-committee referred to under subsection 25(1) must assist the CEO at least once a year to update the register.
- (4) The CEO must ensure that the register is available for inspection by any person during the official hours of the office of the Authority.
- (5) The CEO may supply a copy of the register or a part of the register to a person on payment of the prescribed fee.

## **Division 2 Non-formal training**

### **27 Non-formal training programs**

- (1) The Authority may establish or conduct non formal training programs in line with the Vanuatu Qualification Authority Act No. 1 of 2014 for Youth.
- (2) The Authority is to determine the any other matters necessary for the operation of the Program and includes providing for financial reporting requirements.

## **PART 5 FINANCIAL MATTERS AND ANNUAL REPORTS**

### **28 Funds of the Authority**

- (1) The funds of the Authority consist of:
  - (a) annual appropriations from the Government; and
  - (b) monies received by the Authority in any other way in the course of the discharge of its functions; and
  - (c) donations from national or international organisations; and
  - (d) grants from donor partners; and
  - (e) any other money received and raised by the Authority.
- (2) The CEO is to open and maintain such bank accounts on behalf of the Authority.

### **29 Audit of the Accounts of the Authority**

The Authority may from time to time engage a qualified accountant to audit its accounts.

### **30 Annual Reports**

- (1) With the exception of the National Youth Authority, all Committees and Councils under this Act must provide an annual report to the CEO.
- (2) The Authority must within 3 months after the end of each financial year provide a report to the Minister relating to the operations of the Authority for that year.
- (3) To avoid doubt, the Minister may request the Authority to provide a financial report or any other report at any time.

## **PART 6 MISCELLANEOUS**

### **31 Regulations**

The Minister may, on the advice of the Authority, make Regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) that are necessary or convenient to be prescribed for the carrying out or giving effect to the provisions of this Act.

### **31A Transitional**

The person elected as member of the National Youth Council immediately before the commencement of this Act is deemed to have been appointed under subsection 13(3) of this Act.

### **32 Commencement**

This Act commences on the date on which it is published in the Gazette.