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YOUTH WORK ACT, 2001

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YOUTH WORK ACT, 2001

AN ACT TO EXTEND THE FUNCTIONS OF VOCATIONAL EDUCATION COMMITTEES IN RELATION TO YOUTH WORK, TO PROVIDE FOR THE MAKING OF GRANTS IN RESPECT OF YOUTH WORK, TO PROVIDE FOR THE APPOINTMENT OF AN ASSESSOR OF YOUTH WORK AND HIS OR HER FUNCTIONS UNDER THE ACT, TO ESTABLISH VOLUNTARY YOUTH COUNCILS, TO PROVIDE FOR THE DEVELOPMENT AND CO-ORDINATION OF ORGANISATIONS AND PERSONS ENGAGED IN YOUTH WORK AND IN THE PROVISION OF YOUTH WORK PROGRAMMES AND YOUTH WORK SERVICES AND FOR THAT PURPOSE TO ESTABLISH A NATIONAL YOUTH WORK ADVISORY COMMITTEE, TO REPEAL THE YOUTH WORK ACT, 1997, AND TO PROVIDE FOR RELATED MATTERS. [1st December, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY

1.—(1) This Act may be cited as the Youth Work Act, 2001. Short title and commencement.

(2) This Act shall come into operation on such day or days as may be fixed by order or orders made by the Minister, either generally or with reference to a particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

“Advisory Committee” means the National Youth Work Advisory Committee appointed under *section 17*;

“approved national voluntary youth work organisation” means a voluntary youth work organisation approved to provide a youth work programme or a youth work service in 2 or more vocational education areas;

“Assessor of Youth Work” means the person appointed as Assessor of Youth Work under *section 16(1)*, and includes an officer of the

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Minister appointed under *section 16(2)* to act in the place of the Assessor of Youth Work, while he or she is so acting;

“authorised organisation” means an organisation approved under *section 25*;

“designated local voluntary youth work organisation” means a voluntary youth work organisation designated as such under *section 29*;

“Development Plan” means a Youth Work Development Plan approved by the Minister under *section 13*;

“financial year” means a period of 12 months prescribed as a financial year for the purposes of this Act;

“functions” includes powers and duties;

“Irish Vocational Education Association” means the association established by vocational education committees to collectively represent those committees and promote their interests and recognised by the Minister for that purpose;

“Minister” means the Minister for Education and Science;

“prescribed” means prescribed by regulations made under *section 4*;

“vocational education area” has the same meaning as in section 6 of the Vocational Education Act, 1930;

“vocational education committee” means a committee established by section 7 of the Vocational Education Act, 1930;

“Voluntary Youth Council” means a body established by *section 21*;

“voluntary youth work organisation” means an organisation providing a youth work programme or a youth work service, or both, otherwise than for profit;

“young person” means a person who has not attained the age of 25 years;

“Youth Work Budget” means a report on the estimate of the income and expenditure of a vocational education committee for the purposes of this Act prepared under *section 32*;

“youth work committee” means a youth work committee appointed under *section 19*;

“youth work programme” means a structured programme of youth work;

“youth work service” means a service which, directly or indirectly, assists in the provision of youth work.

(2) In this Act a reference to—

(a) a section or a Schedule is a reference to a section of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended, and

(b) a subsection or a paragraph is a reference to the subsection or paragraph of the provision in which the reference

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occurs, unless it is indicated that reference to some other provision is intended. Pr.1 S.2

3.—In this Act “youth work” means a planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young persons through their voluntary participation, and which is— Definition of “youth work”.

(a) complementary to their formal, academic or vocational education and training; and

(b) provided primarily by voluntary youth work organisations.

4.—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed, or in relation to any matter referred to in this Act as the subject of regulation. Regulations.

(2) Regulations under this section may contain such incidental supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations or for giving full effect to this Act.

5.—Every order (other than an order under *section 1(2)*) or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under it. Laying of orders and regulations before Houses of the Oireachtas.

6.—Expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses of Minister.

7.—The Youth Work Act, 1997 (No. 30 of 1997) is by this section repealed. Repeal of Youth Work Act, 1997.

PART 2

YOUTH WORK FUNCTIONS OF MINISTER AND VOCATIONAL EDUCATION COMMITTEES

8.—(1) The Minister, as far as practicable, shall— Youth work functions of Minister.

(a) ensure the development and co-ordination of policies relating to youth work programmes and youth work services in both the Irish and the English languages,

(b) ensure the co-ordination of youth work programmes and youth work services with education programmes and other programmes that provide services for young persons,

(c) provide, from within the financial resources available to the Minister, moneys in each financial year to assist in the provision of youth work programmes and youth work services,

- (d) conduct research or cause research to be conducted in respect of youth work, including youth work programmes and youth work services in one or more vocational education areas,
 - (e) monitor, at least once in each financial year, a youth work programme or a youth work service receiving moneys under this Act, including a youth work programme or a youth work service provided by a voluntary youth work organisation receiving moneys provided under *sections 9(1)(a) and 34*,
 - (f) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service provided by an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation in receipt of moneys under *section 34*,
 - (g) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service referred to in *section 9(1)(a)* and for which moneys are provided by a vocational education committee,
 - (h) subject to *section 16*, carry out an assessment, at least once in every 3 years, of a youth work programme or a youth work service provided in accordance with a resolution of a vocational education committee under *section 11(5)*, and
 - (i) appoint a National Youth Work Advisory Committee under *section 17*.
- (2) Without prejudice to the generality of *subsection (1)*, the Minister, in performing his or her functions, shall have regard to—
- (a) the treatment of male and female young persons, respectively, in relation to access to youth work,
 - (b) the number of male and female young persons, respectively, who are likely to participate in the youth work programmes and youth work services, and
 - (c) youth work requirements of persons who have attained the age of 10 years but not 21 years who reside in a Gaeltacht area and/or whose first language is Irish.
- (3) Without prejudice to the generality of *subsection (1)(c)*, the Minister shall endeavour to ensure—
- (a) that regard is had to the information needs of young persons, and
 - (b) that particular regard be had to the youth work requirements of—
 - (i) persons who have attained the age of 10 years but not 21 years, and
 - (ii) other young persons who are socially or economically disadvantaged.

(4) Without prejudice to the generality of *subsection (1)(e), (f), (g) and (h)*, in the monitoring and assessment of a youth work programme or a youth work service, the Minister shall have regard to any evaluation of the expenditure incurred in the provision of the programme or service. Pr.2 S.8

(5) The Minister may, following an assessment under *subsection (1)(f)* and consideration of any representations in writing made by the organisation providing the youth work programme or youth work service so assessed made within 21 days after receipt by the organisation of the report of the assessment, give directions to the organisation in relation to the manner in which the programme or service is provided, and the organisation shall comply with the directions.

(6) The Minister may, following an assessment under *subsection (1)(g)* and consideration of any representations in writing made by the organisation providing the youth work programme or youth work service so assessed made within 21 days after receipt by the organisation of the report of the assessment, give directions to the organisation in relation to the manner in which the youth work programme or youth work service is provided, and the organisation shall comply with the directions.

(7) The Minister may, following an assessment under *subsection (1)(h)* and consideration of any representations in writing made by the vocational education committee providing the youth work programme or youth work service so assessed made within 21 days after receipt by the vocational education committee of the report of the assessment, give directions to the vocational education committee in relation to the manner in which the youth work programme or youth work service is provided, and the vocational education committee shall comply with the directions.

(8) The Minister may, from time to time, by order, direct any 2 or more vocational education committees to enter into an arrangement for the joint exercise of their powers and functions under this Act subject to such terms and conditions as the Minister considers appropriate and, if a question arises between the committees in relation to such an arrangement it shall be referred to the Minister whose decision on the matter shall be final.

(9) The Minister may by order amend or revoke an order under *subsection (8)* and an order under this subsection.

9.—(1) In addition to the functions conferred on it by or under the Vocational Education Acts, 1930 to 1999, each vocational education committee shall, as far as practicable and within the financial resources available to it— Youth work functions of vocational education committee.

(a) ensure the provision within its vocational education area of youth work programmes or youth work services, or both, by—

(i) co-ordinating its plans, proposals and activities with approved national voluntary youth work organisations, designated local voluntary youth work organisations and authorised organisations within its vocational education area so as to ensure the provision of those programmes and services by those organisations, and

- (ii) providing assistance, including financial assistance, to an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation, and the provision of the financial assistance shall be subject to such conditions as may be determined by the vocational education committee in accordance with such guidelines and regulations as may be issued or made by the Minister following consultation with the National Youth Work Advisory Committee,
 - (b) ensure co-ordination within its vocational education area of youth work programmes and youth work services with education programmes and other programmes that provide services for young persons,
 - (c) ensure that in the provision of youth work programmes or youth work services, or both, under *paragraph (a)*, particular regard shall be had to the youth work requirements of—
 - (i) persons who have attained the age of 10 years but not 21 years, and
 - (ii) other young persons who are socially or economically disadvantaged,
 - (d) without prejudice to *section 8(1)(e)* and *(g)*, monitor and assess the youth work programmes or youth work services, or both, for which moneys are provided under this section and in particular shall have regard to an evaluation of the expenditure incurred in the provision of such programmes or services,
 - (e) prepare a Development Plan in accordance with *section 13* and make all reasonable efforts to ensure that all youth work in its vocational education area is provided in accordance with the Development Plan, and
 - (f) consult with and report to, in regard to youth work, such person or persons as the Minister may, from time to time, direct.
- (2) Without prejudice to the generality of *subsection (1)(a)* and *(b)*, a vocational education committee, in co-ordinating as provided in those subsections, shall have regard to—
- (a) the treatment of both male and female young persons, respectively, in relation to access to youth work, and
 - (b) the number of male and female young persons, respectively, who are likely to participate in the youth work programmes and youth work services.

10.—(1) Where an organisation in receipt of financial assistance provided under *section 9* does not comply with—

- (a) a condition attached under *section 9(1)(a)(ii)* to which it is subject, or
- (b) a direction under *section 8(6)*,

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the vocational education committee may, subject to *section 10(2)* to *Pr.2 S.10* (5), withdraw or reduce the amount of the financial assistance.

(2) Where a vocational education committee proposes to withdraw or reduce the amount of financial assistance provided under *section 9*, and where the amount to be withdrawn or by which it is to be reduced exceeds such sum as the Minister may from time to time determine, the vocational education committee shall, by notice in writing, inform the organisation that—

- (a) a withdrawal or reduction is being considered, and
- (b) the reasons for the proposed withdrawal or reduction.

(3) An organisation may, within the next 21 days beginning on the date when a notice under *subsection (2)* is given to it, or such longer period as the vocational education committee may determine, make representations in writing to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal or reduction is not warranted.

(4) The Assessor of Youth Work shall consider any representations made under *subsection (3)* and shall make recommendations to the vocational education committee on the matter.

(5) Where a vocational education committee, having considered the recommendations made by the Assessor of Youth Work under *subsection (4)* decides, by resolution, to withdraw or reduce the amount of financial assistance it shall, in writing, inform the organisation of the withdrawal or reduction and the reasons therefor.

11.—(1) Where a vocational education committee considers that a youth work programme or a youth work service is required to be provided in its vocational education area but it is not being provided, the vocational education committee shall—

Provision of programmes and services where none currently provided.

- (a) publish a notice in at least 2 newspapers circulating in the vocational education area inviting organisations in its vocational education area to submit a proposal for the provision of that youth work programme or youth work service specifying in the proposal such information as the vocational education committee may require concerning the provision of the programme or service, and
- (b) assess, in accordance with such guidelines or regulations as may be issued or made by the Minister, and following consultation with the youth work committee for the vocational education area concerned, the suitability of the proposals submitted in accordance with *paragraph (a)*.

(2) Where the vocational education committee decides, after considering all proposals submitted to it under *subsection (1)*, that none is suitable for the purposes of providing the youth work programme or youth work service concerned, it shall prepare a report regarding that decision and, by notice in writing, inform each organisation that submitted the proposals of its decision and the reasons for its decision.

(3) An organisation may, within the period of 21 days beginning on the date when a notice under *subsection (2)* is given to it, make

such representations to the vocational education committee as it considers appropriate and the vocational education committee shall, within a period of 2 months beginning on the date when they were made, consider the representations.

(4) A vocational education committee may, following consideration of representations, if any, made under *subsection (3)*—

- (a) reject the proposals and inform the organisation concerned of its decision, or
- (b) accept the proposals, inform the organisation of its decision and allow the organisation to provide the youth work programme or youth work service.

(5) A vocational education committee may, pursuant to a resolution of the committee, provide a youth work programme or a youth work service in respect of which a proposal has been rejected under *subsection (4)(a)*.

(6) A vocational education committee which provides a youth work programme or youth work service under *subsection (5)*—

- (a) shall not continue to provide the programme or service for a period in excess of 3 years from the date of commencement of its provision unless it is satisfied that there is no organisation that can and is prepared to make suitable arrangements for its provision, and
- (b) shall, before the end of the second year and every 3 years thereafter of providing the programme or service, apply the procedure set out in *subsection (1)* for the purpose of ascertaining whether suitable arrangements, as referred to in *paragraph (a)*, can be made for its provision.

Removal of youth work functions of vocational education committee.

12.—(1) Where, in the opinion of the Minister, a vocational education committee fails to perform its functions under this Act in an effective manner, the Minister may, by order, remove the function from the vocational education committee and transfer it to the Chief Executive Officer of the committee, or to such other person or body as the Minister may specify in the order, for such period, not exceeding 2 years, as the Minister specifies in the order.

(2) Where the Minister proposes to make an order under this section, the Minister shall, by notice in writing, inform the Chief Executive Officer and the vocational education committee that the Minister is considering making an order and the reasons therefor and the Chief Executive Officer or the vocational education committee, or both, may, within the period of the next 14 days beginning on the date on which the notice is given, or such longer period as the Minister may determine, make representations in writing to the Minister.

(3) If, after considering any representations made under *subsection (2)*, the Minister is of the opinion that an order under *subsection (1)* should be made, the Minister shall make the order and shall, by notice in writing, inform the Chief Executive Officer and the vocational education committee of the making of the order and the reasons for making it.

(4) Where a function of a vocational education committee under this Act is transferred under this section, the vocational education committee shall not perform, supervise, direct or control the exercise

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of the function but the Chief Executive Officer or other person to whom the function is transferred shall keep it informed of matters arising from the exercise of the function. Pr.2 S.12

(5) The Minister may, by order, amend or revoke an order under this section, including an order under this subsection.

PART 3

YOUTH WORK DEVELOPMENT PLANS, PROGRAMMES AND SERVICES

13.—(1) A vocational education committee shall, at such times and in respect of every period to which *subsection (2)* relates, prepare a Youth Work Development Plan for its vocational education area. Youth Work Development Plan.

(2) A Development Plan shall be prepared in respect of the period beginning on the commencement of this section and ending on the last day of the third next financial year and thereafter a Development Plan shall be prepared in respect of each subsequent 3 year period.

(3) A Development Plan prepared in accordance with this section shall be submitted to the Minister for approval as soon as may be after it is prepared.

(4) In preparing a Development Plan, a vocational education committee shall—

(a) specify the youth work requirements of its vocational education area and the measures required to meet the requirements, having particular regard to the youth work requirements of—

(i) persons who have attained the age of 10 years but not 21 years,

(ii) other young persons who are socially or economically disadvantaged, and

(iii) young persons who are living in a Gaeltacht area and/or whose first language is Irish,

(b) have regard to—

(i) all youth work programmes,

(ii) all youth work services in operation, and

(iii) education and other programmes that provide services for young persons,

in its vocational education area,

(c) provide estimates of the financial expenditure required for the implementation of the measures specified under *paragraph (a)*,

(d) provide estimates of its income and financial resources for the purposes of this Act, including the sources of those resources, for each financial year of the period of the Development Plan,

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(e) comply with any directions issued by the Minister from time to time, including directions requiring consultation by the vocational education committee with specified persons or bodies, and

(f) consult with the youth work committee for its vocational education area.

(5) A Development Plan is deemed to be adopted when it is approved in writing by the Minister.

(6) The Minister may amend a Development Plan submitted for approval under this section and the vocational education committee shall comply with the Plan as so amended.

(7) Without prejudice to the generality of *subsection (4)(a)*, when specifying measures required to meet youth work requirements, a vocational education committee shall have regard to—

(a) the treatment of both male and female young persons, respectively, in relation to access to youth work, and

(b) the numbers of male and female young persons, respectively, who are likely to participate in the relevant youth work programmes and youth work services.

(8) A vocational education committee shall make available for inspection by members of the public during normal business hours at its principal place of business a copy of the Development Plan for its vocational education area approved under this section by the Minister.

Review of
Development Plan.

14.—(1) In each financial year a vocational education committee shall, in respect of the preceding financial year—

(a) cause an examination to be made of—

(i) the implementation of its Development Plan,

(ii) the effect and efficiency of the youth work programmes and youth work services provided within its vocational education area,

(iii) the treatment of male and female young persons, respectively, in relation to access to youth work, and

(iv) the numbers of male and female young persons, respectively, who participated in the youth work programmes and youth work services provided within its vocational education area,

and

(b) cause an evaluation to be made of the youth work programmes and youth work services provided within its vocational education area in relation to the matters specified in the Development Plan and the co-ordination of the services under this Act with other youth services in the area in relation to those matters and otherwise,

and shall set out the comments in respect of each of the matters specified in *paragraphs (a) and (b)* in a Youth Work Report (in this

section referred to as the “Annual Report”) and submit the Annual Report to the Minister. Pr.3 S.14

(2) The Minister may issue directions to a vocational education committee in relation to the preparation of the Annual Report and the vocational education committee shall comply with the directions.

(3) A vocational education committee shall consult with the youth work committee in relation to the preparation of its Annual Report.

15.—Without prejudice to the functions of a vocational education committee under *section 9* in relation to youth work, the Minister may take such steps as, in his or her opinion, are necessary to ensure the provision of— Provision of youth work programmes and youth work services by Minister.

(a) a youth work programme or a youth work service, or both, in 2 or more vocational education areas in which, in the opinion of the Minister, they are required, by providing assistance, including financial assistance, to one or more approved national voluntary youth work organisations or authorised organisations, and

(b) a supplementary youth work programme or supplementary youth work service, or both, complementary to the approved Development Plan in a vocational education area in which, in the opinion of the Minister, they are required, by providing assistance, including financial assistance, to one or more than one approved national voluntary youth work organisation, designated local voluntary youth work organisation or authorised organisation.

PART 4

YOUTH WORK OFFICERS AND ORGANISATIONS

Assessor of Youth Work

16.—(1) The Minister shall, as the occasion requires, appoint a person, who shall be known as the Assessor of Youth Work, to exercise the functions of the Minister under *section 8(1)(f), (g) and (h)* and the other functions of the Assessor of Youth Work under this Act. Assessor of Youth Work.

(2) The Minister may appoint an officer of the Minister to act in the office of the Assessor of Youth Work during any absence from the State or from duty of the Assessor of Youth Work or during any vacancy in that office (including any period before the date on which a person is appointed under *subsection (1)*).

(3) The Assessor of Youth Work may, in respect of youth work programmes or youth work services provided from moneys made available by virtue of this Act—

(a) examine the operation of those programmes and services, and

(b) examine any books, accounts and other records that relate to them.

(4) The provider of such a youth work programme or youth work service concerned shall furnish to the Assessor of Youth Work such information or documents in relation to the programme or service as may be required by the Assessor of Youth Work for the purposes of this section.

(5) Following an examination under *subsection (3)*, the Assessor of Youth Work shall submit to the Minister and to the provider of the youth work programme or youth work service examined a report setting out the Assessor of Youth Work's findings.

(6) The Assessor of Youth Work shall submit to the Minister an annual report (referred to in this section as the "Annual Report of the Assessor") and such other reports as the Minister may from time to time require.

(7) The Annual Report of the Assessor shall contain the results of the assessment of youth work programmes and youth work services carried out in accordance with *section 8(1)(f), (g) and (h)* and such other matters as the Minister may determine. The annual report and all such published reports shall be in the Irish and English languages.

(8) An Assessor of Youth Work appointed under *subsection (1)* shall be employed by the Minister in accordance with such terms and conditions, which may include secondment from another office or employment, and receive such remuneration, as the Minister, with the consent of the Minister for Finance, from time to time determines.

(9) The Minister may, with the consent of the Minister for Finance, provide such administrative, secretarial and other support to the Assessor of Youth Work as the Minister considers necessary.

(10) The Minister may at any time, for good and valid reasons, remove from the office the person appointed as Assessor of Youth Work.

National Youth Work Advisory Committee

National Youth
Work Advisory
Committee.

17.—(1) The Minister shall, in accordance with *section 18*, appoint a committee to be known as the National Youth Work Advisory Committee to advise and consult with the Minister in relation to youth work.

(2) Without prejudice to the generality of *subsection (1)*, the Advisory Committee shall advise the Minister in relation to—

- (a) the provision and co-ordination of youth work programmes and youth work services,
- (b) the provision and co-ordination of youth work programmes and youth work service in the Gaeltacht and/or to young persons whose first language is Irish,
- (c) the development and implementation of youth work policies referred to in *section 8(1)(a)*,
- (d) the co-ordination of youth work programmes and youth work services with general educational services for young persons,

- (e) the co-ordination of youth work programmes and youth work services with non-educational services for young persons, Pr.4 S.17
- (f) the treatment of male and female young persons, respectively, in relation to access to youth work, and in so advising shall, in respect of *paragraphs (a), (c), (d) and (e)*, have regard to the number of male and female young persons, respectively, who are likely to participate in youth work programmes and youth work services referred to in those paragraphs,
- (g) the content of such guidelines and regulations as may be issued or made by the Minister as referred to in *section 9(1)(a)(ii)*,
- (h) criteria which should normally be fulfilled before an organisation can be approved as an approved national voluntary youth work organisation,
- (i) criteria which should normally be fulfilled before a voluntary youth work organisation is designated under *section 29* as a designated local youth work organisation,
- (j) the content of such guidelines and regulations as may be made by the Minister in relation to the Voluntary Youth Councils,
- (k) the manner in which vocational education committees apply the regulations, guidelines and criteria referred to in *paragraphs (g), (i) and (j)*, and
- (l) the manner in which the Minister applies the criteria referred to in *paragraph (h)*.

(3) The Advisory Committee shall give such advice and make such recommendations to the Minister as the Minister may request and shall give priority to such requests when so requested by the Minister.

18.—(1) The number of members of the Advisory Committee, including the chairperson, shall be not fewer than 31 and not more than 33. Membership of Advisory Committee.

(2) The Minister shall appoint a person to be the chairperson of the Advisory Committee and at least one but not more than 2 other persons to be members.

(3) In making an appointment under *subsection (2)*, the Minister shall have regard to the desirability of the persons appointed having knowledge of or experience in youth work.

(4) In addition to the persons appointed under *subsection (2)*, the Minister shall appoint as members of the Advisory Committee 2 officers of the Department of Education and Science (one of whom shall be a member of the Inspectorate appointed under section 13(1) of the Education Act, 1998), and at least one person who has been nominated to the Minister by each of the following:

- (a) the Minister for Enterprise, Trade and Employment,
- (b) the Minister for Social, Community and Family Affairs,

- (c) the Minister for Justice, Equality and Law Reform,
- (d) the Minister for Health and Children,
- (e) the Minister for the Environment and Local Government,
- (f) the Minister for Tourism, Sport and Recreation,
- (g) the Minister for Arts, Heritage, Gaeltacht and the Islands,
and
- (h) An Foras Áiseanna Saothair.

(5) In addition to the persons appointed in accordance with *subsections (2) and (4)*, the Minister shall appoint as members of the Advisory Committee 4 persons nominated by the Irish Vocational Education Association.

(6) In addition to the persons appointed in accordance with *subsections (2), (4) and (5)*, the Minister shall appoint as members of the Advisory Committee persons nominated by the Prescribed National Representative Youth Work Organisation as provided for in *section 24* and the number of persons so appointed shall be the same as the total number of persons, excluding the chairperson, appointed in accordance with *subsections (2), (4) and (5)*.

(7) In making appointments to the Advisory Committee the Minister shall ensure, as far as practicable, an appropriate gender balance, as determined by the Minister from time to time, among the membership thereof and, in order to achieve that balance, the Minister may require that nominations made under *subsections (4), (5) and (6)* be made in accordance with such balance.

(8) The Minister may require the Prescribed National Representative Youth Work Organisation referred to in *subsection (6)* to include amongst the persons nominated by it to be members of the Advisory Committee persons engaged in the provision of youth work programmes or youth work services in a voluntary capacity who are not employees of the Prescribed National Representative Youth Work Organisation, an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an organisation authorised under *section 25(1)*.

(9) The *Schedule* shall apply to the Advisory Committee.

(10) The Minister shall provide such administrative, secretarial and other support to the Advisory Committee as the Minister considers necessary.

Youth Work Committees

19.—(1) A vocational education committee shall, subject to *section 20*, appoint a youth work committee for its vocational education area to—

- (a) make recommendations to the vocational education committee on the performance by the vocational education committee of its functions under this Act, and
- (b) advise the vocational education committee on any matter on which the vocational education committee requests advice.

(2) Where a vocational education committee, having considered a recommendation made under *subsection (1)(a)*, decides by resolution not to implement the recommendation, it shall, as soon as may be, notify the youth work committee in writing of, and state the reasons for, its decision.

(3) The youth work committee shall, in respect of the notification of the decision referred to in *subsection (2)*, consider the decision and the reasons for it and notwithstanding such decision and reasons may, by resolution, decide to submit the recommendation referred to in *subsection (2)* to the vocational education committee with a request that the recommendation be reconsidered.

(4) The vocational education committee shall reconsider a recommendation submitted to it in accordance with *subsection (3)*, and where a recommendation has been so reconsidered and the vocational education committee decides by resolution not to implement it, it shall, as soon as may be, notify the youth work committee and the Minister in writing of, and state the reasons for, its decision.

(5) The Minister may, in relation to the notification of a decision referred to in *subsection (4)*, consult with the vocational education committee concerned and issue directions to it in relation to the decision, and the vocational education committee shall comply with any such directions.

(6) A vocational education committee may remove a member of the youth work committee from membership of the youth work committee if, in the opinion of the vocational education committee, the member has become incapable through ill-health of performing his or her functions or has committed stated misbehaviour, or such removal appears to the vocational education committee to be necessary for the effective performance by the youth work committee of its functions.

(7) A youth work committee shall, from among the representatives of the vocational education committee—

- (a) appoint to act as chairperson a person appointed to the committee under *section 20(2)(a)*, and
- (b) appoint any other member of the committee to act as vice-chairperson to perform the functions of the chairperson in the absence of the chairperson.

(8) A member of a youth work committee shall not receive any remuneration for acting as a member of the committee, but the vocational education committee concerned may, in accordance with a rate determined by the vocational education committee, with the consent of the Minister and the Minister for Finance, make payments to a member for travelling and subsistence expenses incurred by the member in respect of the business of the youth work committee.

(9) A youth work committee shall, by standing order or otherwise, regulate its procedure or business at its meetings.

(10) A youth work committee shall hold at least one meeting in each financial year but shall not hold more than 6 meetings in any financial year without the prior consent in writing of the Minister.

(11) The members of a youth work committee shall hold office for such period, not exceeding 3 years, as is determined by the vocational education committee but are eligible for re-appointment.

20.—(1) Notwithstanding section 21(4) of the Vocational Education Act, 1930, the members of a youth work committee shall number not less than 16 and not more than 20, and a vocational education committee shall, in appointing members to a youth work committee, appoint one-half of the membership in accordance with *subsection (2)(a)* and *(b)* and one-half in accordance with *subsection (2)(c)*.

(2) A vocational education committee shall appoint as a member of a youth work committee in accordance with *subsection (1)*—

(a) at least one member of the vocational education committee,

(b) at least one person resident in or whose principal or sole place of full-time employment is within its vocational education area, nominated by each of the following:

(i) the Minister for Social, Community and Family Affairs,

(ii) the Minister for Tourism, Sport and Recreation,

(iii) An Foras Áiseanna Saothair,

(iv) the health board in whose area the vocational education area concerned is situated,

(v) each county council or county borough corporation in its vocational education area,

(vi) Údarás na Gaeltachta where a vocational education committee functions in a Gaeltacht area,

(vii) An Garda Síochána,

(viii) the person appointed under section 13(1) of the Education Act, 1998, as Chief Inspector for the purposes of that Act,

and

(c) a number of persons nominated by the Voluntary Youth Council in its vocational education area equal to the number appointed under *paragraphs (a)* and *(b)*.

(3) In making appointments to the youth work committee a vocational education committee shall as far as practicable ensure such gender balance among the membership of the committee as from time to time determined by the Minister.

(4) In order to achieve the gender balance required by *subsection (3)*, the persons and bodies specified in *subsection (2)(b)* and *(c)* shall, in nominating candidates for appointment under this section, make such nominations in accordance with the gender balance.

(5) The Minister may issue directions to a vocational education committee and a youth work committee in relation to the administration of the youth work committee, and the vocational education

committee and youth work committee concerned shall comply with those directions. Pr.4 S.20

Voluntary Youth Councils

21.—(1) There shall be for each vocational education area a Voluntary Youth Council elected in accordance with *section 22* to advise the vocational education committee for that area on the preparation or implementation of any matter specified in a Development Plan prepared by the vocational education committee. Voluntary Youth Councils.

(2) A Voluntary Youth Council, in addition to the function conferred on it by *subsection (1)*—

(a) shall be a forum for the voluntary youth work organisations operating in the vocational education area to discuss the provision of youth work programmes and youth work services in the area, and

(b) shall nominate persons for appointment to a youth work committee for the purposes of *section 20(2)(c)*.

(3) Without prejudice to the generality of *subsections (1) and (2)(a)*, a Voluntary Youth Council shall, in providing advice and in its role as a forum, have regard to—

(a) the treatment of male and female young persons, respectively, in relation to access to youth work, and

(b) the numbers of male and female young persons, respectively, who are likely to participate in youth work programmes and youth work services.

22.—(1) Subject to *subsection (5)*, members of a Voluntary Youth Council shall number not less than 10 and not more than 20 as the vocational education committee determines. Composition, election, etc. of Voluntary Youth Councils.

(2) Subject to *subsection (3)*, a person engaged in the provision of a youth work programme or a youth work service shall be eligible for election to a Voluntary Youth Council, provided that, as far as practicable, persons who are employees of an approved national voluntary youth work organisation or a designated local voluntary youth work organisation or an authorised organisation shall not constitute more than one quarter of the total membership of the Voluntary Youth Council.

(3) An employee of an approved national voluntary youth work organisation, a designated local voluntary youth work organisation or an authorised organisation shall be eligible for election to a Voluntary Youth Council only if his or her principal place of employment is in the vocational education area concerned.

(4) As far as practicable, at least one-fifth of the membership of a Voluntary Youth Council shall consist of persons who were young persons at the date of their election.

(5) (a) A vocational education committee may, with the consent of the Minister and in accordance with such regulations and guidelines as may be issued by the Minister following consultation with the National Youth Work Advisory

Committee, issue directions in relation to the election of persons to a Voluntary Youth Council.

(b) Without prejudice to the generality of *paragraph (a)*, directions issued under that paragraph may refer to all or any of the following:

- (i) voting procedures,
- (ii) the classification and nomination of candidates,
- (iii) the appointment of a returning officer for the election of members to a Voluntary Youth Council,
- (iv) the requirements for holding a poll or deeming persons elected where the number of candidates is less than or equal to the number of members to be elected to a Voluntary Youth Council,
- (v) the number, in accordance with *subsection (1)*, of members to be elected,
- (vi) the qualification of electors,
- (vii) the voluntary youth work organisations that may nominate persons for election in relation to the classification of candidates,
- (viii) the voluntary youth work organisations that may elect members in relation to the classification of candidates,
- (ix) the filling of casual vacancies, and
- (x) the declaration of the polls.

(6) A voluntary youth work organisation referred to in *subsection (5)(b)(vii)* shall, in nominating candidates for an election under this section, make the nominations in accordance with such gender balance as may be determined from time to time by the Minister.

(7) In issuing directions under *subsection (5)*, a vocational education committee shall have regard to the desirability of ensuring that persons engaged in the provision of youth work programmes or youth work services for young persons within the travelling community are represented on Voluntary Youth Councils.

(8) In issuing directions under *subsection (5)*, a vocational educational committee which functions in a Gaeltacht area, shall have regard to the desirability of ensuring that persons engaged in the provision of youth work programmes or youth work services for young persons in the Irish language in the said Gaeltacht are represented on Voluntary Youth Councils.

(9) A vocational education committee is responsible for the organisation and supervision of elections to the Voluntary Youth Council for its vocational education area.

(10) The term of office of a Voluntary Youth Council is such period as the vocational education committee determines but, subject to this section, members are eligible for re-election.

23.—(1) A Voluntary Youth Council shall appoint one of its members to act as the chairperson of the Council and another as vice-chairperson to perform the functions of the chairperson in the absence of the chairperson.

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Meetings, etc. of
Voluntary Youth
Councils.

(2) Subject to *subsection (3)*, a Voluntary Youth Council shall, by standing order or otherwise, regulate its procedure and business at its meetings.

(3) A Voluntary Youth Council shall hold at least one meeting in each financial year but shall not hold more than 4 meetings in any financial year without the prior consent in writing of the Minister.

(4) A member of a Voluntary Youth Council shall not receive any remuneration for acting as a member but the vocational education committee concerned may, in accordance with a rate determined by the vocational education committee with the consent of the Minister and the Minister for Finance, make payments to a member for travelling and subsistence expenses incurred by the member in respect of the business of the Voluntary Youth Council.

*Prescribed, Authorised, Approved and Designated
Youth Organisations*

24.—(1) Subject to *subsection (2)*, the Minister may prescribe an organisation representing voluntary youth work organisations to be the Prescribed National Representative Youth Work Organisation for the purposes of nominating members of the National Youth Work Advisory Committee as provided in *section 18(6)*.

Prescribed National
Representative
Youth Work
Organisation.

(2) The body known as the National Youth Council of Ireland is deemed to be prescribed as the first Prescribed National Representative Youth Work Organisation for the period of 3 years after the commencement of this provision.

(3) In prescribing an organisation for the purposes of *subsection (1)*, the Minister shall specify—

(a) a period of not more than 3 years during which the organisation shall be the Prescribed National Representative Youth Work Organisation, and

(b) the date from which the organisation shall be prescribed,

and any organisation so prescribed for a specified period may be prescribed as the Prescribed National Representative Youth Work Organisation in respect of any subsequent period or periods in accordance with this section.

25.—(1) The Minister may, in writing, authorise as an authorised organisation for the purposes of this Act an organisation which, in the Minister's opinion, engages from time to time in the provision of a youth work programme or a youth work service.

Authorisation of
organisations.

(2) An authorisation under *subsection (1)* is for a period of 3 years beginning on the date of the authorisation but may be renewed for a further period or periods each of 3 years.

(3) The Minister may at any time revoke an authorisation under this section.

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Approved National
Voluntary Youth
Work
Organisations.

26.—The Minister may, in writing, approve a voluntary youth work organisation that provides a youth work programme or a youth work service in 2 or more vocational education areas as an approved national voluntary youth work organisation for the purposes of this Act.

Review of
Minister's refusal to
approve national
youth work
organisation.

27.—(1) Where an organisation has applied to the Minister to be approved as an approved national voluntary youth work organisation and the Minister has refused the application, the Minister shall, by notice in writing, inform the organisation of the reasons for such refusal and the organisation may, within 21 days after the date when the notice was given, or such longer period as the Assessor of Youth Work may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the refusal of approved status is not warranted.

(2) The Assessor of Youth Work shall consider representations made to it under *subsection (1)* and shall make a recommendation to the Minister on the matter.

Withdrawal of
approved status
from National
Voluntary Youth
Work
Organisations.

28.—(1) The Minister may withdraw approval under *section 26* from a national voluntary youth work organisation and shall, within 14 days after the date of the withdrawal, by notice in writing, inform the organisation of the withdrawal.

(2) A national voluntary youth work organisation from which approval has been withdrawn ceases, from the date of the notice of the withdrawal, to be an approved national voluntary youth work organisation for the purposes of this Act.

(3) Where the Minister proposes to withdraw approval from an approved national voluntary youth work organisation, the Minister shall inform the organisation in writing that—

(a) withdrawal of approval is being considered, and

(b) the reasons for the proposed withdrawal,

and the organisation may, within the next 21 days beginning on the date when the notice is given, or such longer period as the Minister may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal is not warranted.

(4) The Assessor of Youth Work shall consider any representation under *subsection (3)* and make a recommendation to the Minister on the matter.

(5) Where the Minister, having considered the recommendation made by the Assessor of Youth Work under *subsection (4)*, decides to withdraw approval from an organisation, the Minister shall inform the organisation by notice in writing of such withdrawal and the reasons therefor.

Designation of
Local Voluntary
Youth Work
Organisations.

29.—(1) A vocational education committee may, in writing, for the purposes of this Act, designate a voluntary youth work organisation which provides a youth work programme or a youth work service in the committee's vocational education area, as a designated local voluntary youth work organisation for that area.

(2) A vocational education committee shall notify the Minister when it designates an organisation under *subsection (1)*. Pr.4 S.29

30.—(1) Where an organisation has applied to a vocational education committee to be designated under *section 29* and the vocational education committee has refused the application, the vocational education committee shall, by notice in writing, inform the organisation of the reasons for the refusal and the organisation may, within 21 days after the date when the notice was given, make representations to the Assessor of Youth Work giving reasons why, in its view, the refusal of designation is not warranted. Review of vocational education committee's refusal to designate organisation.

(2) The Assessor of Youth Work shall consider any representation made to him or her under *subsection (1)* and shall make a recommendation to the vocational education committee on the matter.

31.—(1) A vocational education committee may, by resolution, withdraw designated status from a designated local voluntary youth work organisation and shall, within 14 days after the passing of the resolution, by notice in writing, inform the organisation of the passing of the resolution. Withdrawal of designated organisation status.

(2) A local voluntary youth work organisation from which designated status has been withdrawn under *subsection (1)* ceases, from the date of the notice of withdrawal, to be a designated local voluntary youth work organisation for the purposes of this Act.

(3) Where a vocational education committee proposes to withdraw designated status from a designated local voluntary youth work organisation under this section, it shall inform the organisation by notice in writing that—

(a) a withdrawal of designated status is being considered, and

(b) the reasons for the proposed withdrawal,

and the organisation may, within the next 21 days beginning on the date when the notice is given, or such longer period as the vocational education committee may determine, make representations to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal is not warranted.

(4) The Assessor of Youth Work shall consider any representation under *subsection (3)* and make a recommendation to the vocational education committee on the matter.

(5) Where a vocational education committee, having considered the recommendation made by the Assessor of Youth Work under *subsection (4)*, decides by resolution to withdraw designated status from an organisation it shall, by notice in writing, inform the organisation of such withdrawal and the reasons for the withdrawal.

PART 5

FINANCIAL

32.—(1) On or before such date as the Minister may direct, a vocational education committee shall prepare and submit to the Minister a Youth Work Budget comprising a report on the estimate of its income and expenditure for the purposes of this Act in respect of a financial year. Youth Work Budget.

(2) A Youth Work Budget shall be prepared in such form and contain such information as may be specified in directions issued by the Minister and shall have regard to the most recent Development Plan of the committee approved by the Minister.

(3) Without prejudice to the generality of *subsections (1) and (2)*, in preparing a Youth Work Budget a vocational education committee shall—

- (a) specify, for the financial year concerned, the youth work programmes and youth work services in respect of which the vocational education committee proposes to provide financial assistance,
- (b) provide an estimate of the expenditure in relation to a youth work programme or a youth work service, or both, that are required to be specified under *paragraph (a)*,
- (c) provide an estimate of the income of the vocational education committee, including the sources of such income, for the purposes of this Act, for the financial year, and
- (d) consult with the youth work committee for its vocational education area,

and, subject to *subsection (6)*, the vocational education committee shall not incur any expenditure for the purposes of this Act for the financial year concerned until the Youth Work Budget has been adopted in accordance with this section.

(4) A Youth Work Budget is deemed to be adopted when it has been approved in writing by the Minister.

(5) Before approving a Youth Work Budget the Minister may amend it, and the vocational education committee concerned shall comply with the Budget as so amended.

(6) Where a vocational education committee does not submit a Youth Work Budget in accordance with this section, the Minister may, after such consultation as the Minister considers necessary, determine the maximum amount of expenditure that may be incurred by the vocational education committee for the purposes of this Act for the financial year concerned and shall notify the vocational education committee in writing of the amount so determined within 21 days of such determination and shall, in the notice, specify the date on which the Youth Work Budget is deemed to have been adopted.

(7) The Minister may issue directions to a vocational education committee in relation to the preparation of a Youth Work Budget and the vocational education committee shall comply with the directions.

33.—(1) A vocational education committee shall supervise the implementation of a Youth Work Budget in order to ensure that the expenditure for the financial year concerned does not exceed the expenditure approved or determined by the Minister under *section 32(4) or (6)* for the financial year.

(2) A vocational education committee may, with and in accordance with the prior approval in writing of the Minister, amend a Youth

Work Budget that has been approved by the Minister in accordance with *section 32*. Pr.5 S.33

(3) If the amount of expenditure incurred by a vocational education committee in a financial year is either greater or less than the amount approved or determined by the Minister under *section 32(4)* or (6) for the financial year, the vocational education committee shall—

- (a) charge the amount of the excess of unapproved expenditure,
or
- (b) credit the amount of the surplus,

to the Youth Work Budget for the next following financial year.

34.—(1) The Minister may, in each financial year, make a grant out of moneys provided by the Oireachtas for the purposes of this Act, to all or any of the following: Grants.

- (a) a vocational education committee,
- (b) an approved national voluntary youth work organisation,
- (c) a designated local voluntary youth work organisation,
- (d) an authorised organisation,

and the payments shall be subject to the consent of the Minister for Finance and to any conditions the Minister may determine.

(2) An organisation in receipt of a grant made under this section shall, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, keep proper accounts and records of moneys received or expended by that body in each financial year and, in particular, shall keep such special accounts and records as the Minister, with the concurrence of the Minister for Finance, may from time to time direct.

(3) Accounts kept in pursuance of *subsection (2)* shall be submitted to the Minister as soon as may be after the end of the financial year and may be required for examination by the Comptroller and Auditor General for the purposes of the Comptroller and Auditor General (Amendment) Act, 1993.

(4) Where the Minister attaches a condition to the payment of a grant under this section, the body in receipt of the grant shall comply with the condition.

35.—(1) Where a vocational education committee or an organisation specified in *section 34(1)(b), (c) or (d)* does not comply with a condition attached to a grant under *section 34* or a direction given under *section 8(5) or (7)*, or the Minister considers that there are other good reasons for the withdrawal or reduction of the amount of the grant, the Minister may, subject to this section, withdraw or reduce the amount of the grant. Withdrawal or reduction of grant.

(2) Where the Minister proposes to withdraw or reduce the amount of a grant, and where the withdrawal or reduction exceeds such amount as the Minister may determine, the Minister shall

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inform the Assessor of Youth Work and the vocational education committee or organisation, by notice in writing, that—

- (a) the withdrawal or reduction is being considered, and
- (b) the reasons for the proposed withdrawal or reduction.

(3) The vocational education committee or organisation may, within 21 days beginning on the date when notice is given under *subsection (2)*, or such longer period as the Minister may determine, make representations in writing to the Assessor of Youth Work giving reasons why, in its view, the proposed withdrawal or reduction is not warranted.

(4) The Assessor of Youth Work shall consider any representations made under *subsection (3)* and shall make a report to the Minister on the matter.

(5) Where the Minister, having considered the report of the Assessor of Youth Work, is of the opinion that a grant made under *section 34* should be withdrawn or reduced, the Minister shall inform the vocational education committee or organisation in writing of the withdrawal or reduction and the reasons therefor.

PART 6

GENERAL

Directions.

36.—The Minister may, from time to time, issue directions in relation to—

- (a) the provision, monitoring and evaluation of youth work programmes or youth work services under this Act, and
- (b) any other matter for the purposes of this Act,

and a person or body to whom the directions are issued shall comply with them.

Publication of lists.

37.—The Minister shall publish in each year a list of—

- (a) all approved national voluntary youth work organisations and the date on which each was approved,
- (b) all authorised organisations and the date on which each was authorised,
- (c) all designated local voluntary youth work organisations and the vocational education committee by which they were designated and the date on which each was designated, and
- (d) the Prescribed National Representative Youth Work Organisation,

and shall make the list available for public inspection.

SCHEDULE

Section 18(9).

NATIONAL YOUTH WORK ADVISORY COMMITTEE

1. The term of office of a member (including the chairperson) of the Advisory Committee shall be fixed by the Minister and shall not be greater than 5 years.

2. A member of the Advisory Committee may at any time be removed from office by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or the removal appears to the Minister to be necessary for the effective performance by the Advisory Committee of its functions.

3. A member of the Advisory Committee may at any time resign office by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or on receipt of the letter by the Minister, whichever is the later.

4. If a member of the Advisory Committee dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Advisory Committee to fill the casual vacancy so occasioned and a person appointed under this subsection shall hold office for the remainder of the term of office of the member whose death, resignation, disqualification or removal occasioned the casual vacancy.

5. A member of the Advisory Committee whose period of office expires by the effluxion of time, including a member appointed to fill a casual vacancy in accordance with *paragraph 4*, shall be eligible for re-appointment as a member.

6. A member of the Advisory Committee shall not receive any remuneration for acting as a member of the Advisory Committee but the Minister may make payments in accordance with a rate determined by the Minister, with the consent of the Minister for Finance, to a member for travelling and subsistence expenses incurred by the member in respect of the business of the Advisory Committee.

7. The Minister shall fix the date, time and place of the first meeting of the Advisory Committee.

8. Subject to this Act, the Advisory Committee shall regulate, by standing orders or otherwise, its procedure and business at its meetings.

9. The Advisory Committee shall fix a quorum for its meetings.