

NORTHERN TERRITORY OF AUSTRALIA

COMMUNITY WELFARE REGULATIONS

As in force at 20 April 1984

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 20 April 1984

COMMUNITY WELFARE REGULATIONS

Regulations under the *Community Welfare Act*

1 Citation

These Regulations may be cited as the *Community Welfare Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Community Welfare Act 1983*.

3 Forms

In these Regulations a reference to a form by number is a reference to a form so numbered in the Schedule.

4 Application for holding order

An application under section 11(3) or 15 of the Act for a holding order shall be in accordance with Form 1.

5 Holding order

A holding order under section 11(4) of the Act shall be in accordance with Form 2.

6 Application for order that child in need of care

An application referred to in section 35(1) of the Act that a child be found to be in need of care shall be in accordance with Form 3.

7 Warrant to bring parents, &c., before Court

A warrant referred to in section 37(2) of the Act shall be in accordance with Form 4.

8 Orders and directions

An order or direction made or given under or referred to in sections 35(3), 39(3), 43(4), 43(5), 44, 45, 46, 47, 48, 49(1), 49(3) or 61(1) of the Act shall be in accordance with Form 5.

9 Application for variation of order under section 43

An application under section 48(1) of the Act for a variation of an order under section 43 shall be in accordance with Form 6.

10 Notice of proposed, review, &c., of order

A notice under section 49(4) of the Act of a proposal to review, vary or revoke an order referred to in that section shall be in accordance with Form 7.

11 Appeal against order to Supreme Court

An appeal under section 50(1) of the Act to the Supreme Court shall be in accordance with Form 8.

12 Application under part vi or section 60

An application under Part VI or referred to in section 60(1) of the Act shall be in accordance with Form 9.

13 Direction under section 60(1)

A direction under section 60(1) of the Act shall be in accordance with Form 10.

14 Application under section 61(1)

An application referred to in section 61(1) shall be in accordance with Form 11.

15 Affidavit of service

An affidavit of service of a document required or permitted by the Act to be served on a person shall be in accordance with Form 12.

16 Agreement under section 79(1)

An agreement referred to in section 79(1) shall be in accordance with Form 13.

Schedule

regulation 4

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 11(3) or 15

APPLICATION FOR HOLDING ORDER

Applicant's name and address: Child's name and address:

The applicant,
of
states this day of 19....., before
the undersigned, a Justice of the Peace for the Northern Territory of Australia,
upon oath/affirmation*, that
(*name of child*)
of.....
is in need of care and it is necessary for the adequate care of the said child for
him/her* to be taken into custody.

(*Particulars of application*)

The applicant, therefore, applies for a holding order.

Taken and sworn/affirmed* before me the day and year first above mentioned
at in the Northern Territory.

.....
Applicant

.....
Justice of the Peace

*Delete where inapplicable.

FORM 2

regulation 5

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 11(4)

HOLDING ORDER

Name of child:

I,,
of,
being a Justice of the Peace of the Northern Territory of Australia, authorize
that
(*name of child*)

be held in a place of safety for days.

Dated this day of, 19.....

.....
Justice of the Peace

FORM 3

regulation 6

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 35(1)

APPLICATION THAT CHILD BE FOUND IN NEED OF CARE

Applicant's name and address:

Child's name and address:

The applicant,,
of,
applies to the Family Matters Court at
for an order that

(name of child)

be found to be in need of care.

(Particulars of application)

Dated this day of, 19.....

.....
Applicant

This application is to be heard on,
the day of 19....., at
..... o'clock in the noon, at
in the Northern Territory.

Dated this day of, 19.....

.....
Justice of the Peace

FORM 4

regulation 7

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 37(2)

WARRANT

TO:,
and each and all of the Constables and Peace Officers of the Northern Territory of Australia.

WHEREAS
of
having the custody of
(*name of child*)
was duly summoned to appear before the Family Matters Court sitting at on, the day of 19....., at the hour of o'clock, and did fail, without reasonable excuse, to attend the hearing/remain in attendance at the hearing*.

You are therefore hereby commanded to apprehend the said and bring him/her* before me, the undersigned, a Justice of the Peace for the Northern Territory of Australia at forthwith, or on, the day of 19....., at the hour of o'clock in the noon, to appear in this matter.

Dated this day of, 19.....
in the said Territory.

.....
Justice of the Peace

*Delete where inapplicable.

FORM 5

regulation 8

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 35(3), 39(3), 43(4), 43(5), 44,
45, 46, 47, 48, 49(1), 49(3) or 61(1)

ORDER/DIRECTION

Name of child:

On the day of 19,
.....,
sitting in the Family Matters Court at
made the following order/direction:

Dated this day of, 19.....

.....
Justice of the Peace

FORM 6

regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 48(1)

APPLICATION FOR VARIATION/FURTHER VARIATION OF
ORDER MADE UNDER SECTION 43

Applicant's name and address: Child's name and address:

The applicant,,
of,
being,
applies for the variation/further variation* of an order made pursuant to
section 43 of the *Community Welfare Act*.

The circumstances that resulted in the making of the order have changed
significantly since the order sought to be varied was made, as follows:

Dated this day of, 19.....

.....
Applicant

This application is to be heard on, the day of
..... 19....., at o'clock in the noon,
at in the Northern Territory.

Dated this day of, 19.....

.....
Justice of the Peace

*Delete where inapplicable.

FORM 7

regulation 10

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 49(4)

NOTICE OF PROPOSED REVIEW OF ORDER

Name and address of child:

On the day of 19..... the Court made the following order:

A review of the said order is to take place at the Court on, the day of, 19....., at o'clock in the noon, by the Court, and you are invited/requested* to be present.

Dated this day of, 19.....

.....
Justice of the Peace

*Delete where inapplicable.

FORM 8

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 50(1)

NOTICE OF APPEAL

Applicant's name and address:

Name and address of child:

In the matter of an order made on the day of 19.....
by the Family Matters Court at in the
Northern Territory of Australia, as follows:

Take notice that
of
intends to institute and duly prosecute an appeal and hereby appeals to the
Supreme Court of the Northern Territory of Australia against the said order
made.

And take notice that the appellant intends to institute and duly prosecute the
appeal at the next available sittings of the said Supreme Court.

And take notice that the grounds of such appeal are:

Dated this day of, 19.....

.....
Appellant

FORM 9

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Part VI or section 60

APPLICATION FOR DIRECTIONS

Applicant's name and address:

Child's name and address:

The applicant,,
of,
being,
applies for an order directing the Minister, in relation to the exercise of his
duties under an order made pursuant to section 43(4) of the
Community Welfare Act, as follows:

Dated this day of, 19.....

.....
Applicant

This application is to be heard on,
the day of 19....., at o'clock
in the noon, at in the Northern Territory.

Dated this day of, 19.....

.....
Justice of the Peace

FORM 10

regulation 13

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 60(1)

DIRECTION TO MINISTER

Pursuant to section 60 of the *Community Welfare Act* the Court on
its own motion/on the application of *.....,
being
makes the following direction:

Dated this day of, 19.....

.....
Justice of the Peace

*Delete where inapplicable.

FORM 11

regulation 14

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 61(1)

APPLICATION BY MINISTER FOR ORDER EMPOWERING
PUBLIC TRUSTEE TO MANAGE, CONTROL OR DEAL
WITH PROPERTY OF CHILD

Applicant's name and address:

Child's name and address:

The applicant,,
of,
being,
applies for an order, pursuant to section 61(1) of the *Community Welfare Act*,
empowering the Public Trustee of the Northern Territory to manage, control or
deal with the property of the above child. Particulars of the application are as
follows:

.....
Applicant

This application is to be heard on, the
..... day of, 19....., at o'clock in the
..... noon, at in the Northern Territory.

Dated this day of, 19.....

.....
Justice of the Peace

FORM 12

regulation 15

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

AFFIDAVIT OF SERVICE

I,,
of,
being duly sworn, make oath and say as follows:

I did, on 19....., duly serve
.....
with a copy of the
annexed hereto and marked with the letter "A".

(Here give details of service)

Sworn before me)
at)
the day)
of 19.....)

.....
Signature of Deponent

.....
Justice of the Peace

FORM 13

regulation 16

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

section 79(1)

AGREEMENT

I/We*,
(full name of parents, guardian or custodian of child)

being the father/mother/guardian(s)/custodian(s)* of

.....
(full name of child)

request the licensee of
(name of children's home)

to accept custody of the said child for a period of
days/months/years* and, knowing the conditions of admission to the children's
home, do hereby agree:

To observe and abide by all the rules or regulations applying to the conduct,
control and management of the children's home where the child is placed.

To authorize the licensee to consent to the performance of any medical,
surgical or dental procedures or treatment that in the opinion of the licensee
may be required to safeguard the welfare of the child.

To maintain regular contact with the child and the licensee in regard to the
continuing progress and development of the child and my/our* family situation.

To provide the licensee with details of my/our* normal address and contact
arrangements for emergency purposes, including a telephone number if
available, and to notify the licensee promptly of any change of those details.

To give at least twenty-four hours notice to the licensee prior to removing the
child from the children's home.

I/We* understand the terms of this agreement and that, where the child remains in a licensed children's home for a period of twelve months or more and I/We* fail to maintain substantial contact with the child during that time, the child shall, in accordance with section 81 of the *Community Welfare Act*, be deemed to be abandoned, and he/she* may be, as a result, the subject of an application to the Family Matters Court of the Northern Territory.

Dated this day of, 19.....

Signature:

.....

Witness:

*Delete where inapplicable.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2

LIST OF LEGISLATION

Community Welfare Regulations (Act No. 15, 1984)

Notified	30 March 1984
Commenced	20 April 1984 (s 2, s 2 <i>Community Welfare Act 1983</i> (No. 76, 1983) and Gaz S14, 30 March 1984)