

NORTHERN TERRITORY OF AUSTRALIA

YOUTH JUSTICE REGULATIONS 2006

As in force at 2 March 2020

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 March 2020

YOUTH JUSTICE REGULATIONS 2006

Regulations under the *Youth Justice Act 2005*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Youth Justice Regulations 2006*.

2 Commencement

These Regulations commence on the commencement of the *Youth Justice Act 2005*.

2A Definitions

In these Regulations:

blood analysis, for Part 4AA, see regulation 28AB(e).

breath analysis, for Part 4AA, see regulation 28AB(d).

breath test, for Part 4AA, see regulation 28AB(a).

health practitioner, for Part 4AA, see regulation 28AA.

pathologist, for Part 4AA, see regulation 28AA.

phlebotomist, for Part 4AA, see regulation 28AA.

prescribed breath analysis instrument, for Part 4AA, see regulation 28AA.

saliva test, for Part 4AA, see regulation 28AB(b).

urine test, for Part 4AA, see regulation 28AB(c).

Part 2 Certain matters prescribed for Act**3 Particulars required to be recorded in interview**

For section 18(4) of the Act, a police officer must record the following particulars:

- (a) that the officer has informed the youth of the youth's right to silence;
- (b) whether the youth elected to exercise the youth's right to silence or answer the officer's questions (including answering questions through legal representation);
- (c) if the youth elected to access legal advice and representation – details of the efforts the officer made to contact the youth's legal practitioner;
- (d) that the officer has informed the youth that the youth may contact a friend, relative, responsible adult in respect of the youth or support person;
- (e) if the youth elected to contact a person mentioned in paragraph (d):
 - (i) details of the efforts the officer made to contact the person; and
 - (ii) the name and contact details of the person.

3A Prescribed offences

For section 38A(a) of the Act, an offence under or against each of the following is prescribed:

- (a) section 54, 55(1), 110, 111, 125B(1), 127(1), (2) or (3), 134(1), (2) or (3), 156, 160, 165, 170, 174C, 174F, 175, 176, 177, 179, 180, 181, 192, 192B, 194, 195, 196(1), 201, 228(1), 243 or 246 of the Criminal Code;
- (b) section 189A(1) of the Criminal Code in the circumstances mentioned in section 189A(2)(b) of the Code;
- (c) section 211(1) of the Criminal Code in the circumstances mentioned in section 211(2) of the Code;
- (d) section 212(1) of the Criminal Code in the circumstances mentioned in section 212(2) or (3) of the Code;

- (e) section 213(1) of the Criminal Code in the circumstances mentioned in section 213(6) of the Code;
- (f) section 5(1), 6(1), 6E(1) or 6F(1) of the *Misuse of Drugs Act 1990*;
- (g) section 21, 22, 23, 24, 25, 28, 29AAA, 29AAB, 29AAE, 29AAFA, 29AAH, 29AAP, 29AAYD, 30, 30A or 31 of the *Traffic Act 1987*.

4 Performance of service as compensation

- (1) A youth who performs service in accordance with an order under section 89(1)(b) of the Act satisfies the amount of compensation specified in the order at the rate of \$12.50 for each hour of service performed.
- (2) If a higher rate is prescribed by regulation 14 of the *Fines and Penalties (Recovery) Regulations 2001* for the *Fines and Penalties (Recovery) Act 2001*, that rate applies instead for this regulation.

Part 3 Community work orders

5 Application of Part

This Part applies in relation to a youth who is subject to a community work order.

6 Definition

In this Part:

supervising officer includes:

- (a) a community youth justice officer; and
- (b) the person nominated as the project supervisor for section 97(2) of the Act.

7 Functions of supervising officers

- (1) The following are functions of a supervising officer:
 - (a) to supervise a youth or youths as directed by the CEO;
 - (b) to establish that the person who attends to perform work under a community work order is the youth named in the order;

- (c) to report to the CEO on matters the CEO requires, including the attendance record, the work attitude and the conduct of a youth when performing work under a community work order.
- (2) It is also a function of a supervising officer to give evidence or provide a report in court proceedings against a youth for a breach of a community work order.

8 Youth must attend for work

- (1) The youth must attend to perform work under a community work order at the place and times specified:
 - (a) in the court order; or
 - (b) by the youth's supervising officer.
- (2) The youth must not leave the place without approval from the supervising officer.

9 Exemption from attending for work

- (1) The youth may apply to the CEO for an exemption from attending for work under a community work order for all or part of a day.
- (2) The CEO may exempt the youth if satisfied reasonable grounds exist.
- (3) An application for exemption must be made not less than 24 hours before the day on which the youth is to attend.
- (4) The CEO may, in a particular case, approve a shorter period within which an application may be made.
- (5) The CEO may require the youth to provide information or evidence the CEO considers appropriate in support of the application.
- (6) A youth who is exempted from attending:
 - (a) is not taken to be performing work under the order for the period exempted; and
 - (b) must continue to attend under the order until the full number of hours have been worked.

10 Youth not to be affected by alcohol or drug

The youth must not:

- (a) report for work under a community work order while under the influence of alcohol or an illicit drug or substance; or

- (b) use or consume alcohol or an illicit drug or substance while at work or during a rest or meal break.

11 Supervising officer may order youth to cease work

- (1) A supervising officer may direct the youth to cease work under a community work order for the day if satisfied the youth is:
 - (a) under the influence of, or has used or consumed, alcohol or an illicit drug or substance; or
 - (b) otherwise in breach of the order.
- (2) The youth must leave the place of work without undue delay.

12 CEO may hold inquiry

- (1) If a youth is directed under regulation 11 to cease work, the CEO may inquire into the circumstances in which the direction was given.
- (2) For the inquiry, the CEO may require the supervising officer or youth to provide information about the circumstances in which the youth was directed to cease work.

13 Youth may be suspended

- (1) If the CEO is satisfied that a youth has breached a community work order, the CEO may, by notice served on the youth, suspend the youth from attending to perform work under the order.
- (2) The suspension remains in force until the youth is dealt with under section 121 of the Act.
- (3) The notice may be served by:
 - (a) delivering it to the youth personally; or
 - (b) posting it to the youth at his or her last known place of residence or business.

14 Youth who fails to attend for work due to illness

- (1) Subregulation (2) applies to a youth who, because of illness, does not attend at the time specified to perform work under a community work order.
- (2) The youth must, within 72 hours after the time at which the youth was required to attend, give the CEO a certificate, signed by a medical practitioner, confirming the youth was medically unfit to perform work under the order at the time.

- (3) The CEO may allow further time for the youth to provide the certificate.

15 Youth must not damage work-related items

The youth must not intentionally damage, deface or otherwise harm any equipment, material or other matter supplied, or on which the youth is working, when performing work under a community work order.

16 Protective clothing

- (1) If the youth is supplied with, and directed by a supervising officer to wear or use, protective clothing or equipment, the youth must wear or use the protective clothing or equipment while performing work under the community work order.
- (2) When performing work under the order, the youth must wear suitable footwear.
- (3) For subregulation (2):
 - (a) closed shoes is the minimum standard for suitable footwear; and
 - (b) the youth must wear any protective footwear that is provided.

17 Travelling time

- (1) Subregulation (2) applies if the youth is required to report to a supervising officer at a particular place and, on reporting, is transported to or directed to report at another place for the performance of work under the community work order.
- (2) The reasonable time spent travelling to and from the place of work is counted as time worked by the youth under the order.

18 Rest and meal breaks

- (1) A youth required to work for a full day of 8 hours under a community work order is entitled to the following breaks:
 - (a) a 10 minute rest break in the morning;
 - (b) a meal break of one hour;
 - (c) a 10 minute rest break in the afternoon.
- (2) The time spent in the breaks is counted as time worked by the youth under the order.

19 Youth injured through work

- (1) Subregulation (2) applies if a youth is, because of injury sustained through work performed under a community work order, unable to perform or complete work under the order that the youth would otherwise be expected to perform or complete.
- (2) The time that the youth might reasonably have been expected to spend on that work had the injury not occurred is counted as time worked by the youth under the order.

20 Circumstances in which work taken to be performed

- (1) Subregulation (2) applies if:
 - (a) a youth attends at a place in accordance with regulation 8(1) to perform work; and
 - (b) the youth's supervising officer is not present at the place within one hour after the time specified for the youth to attend; and
 - (c) no alternative arrangements have been made by the supervising officer.
- (2) The youth:
 - (a) is taken to have performed work under the community work order for the number of hours scheduled for the youth to perform on that day; and
 - (b) is not required to remain at the place.

21 Supervising officer must not obtain personal benefit

- (1) A supervising officer must not obtain a benefit, directly or indirectly, from any work performed by a youth under a community work order.
- (2) Subregulation (1) does not apply to a benefit obtained only as a member of, and in common with other members of, the community.

Part 4 Alternative detention orders**22 Application of Part**

This Part applies in relation to a youth who is subject to an alternative detention order.

23 Conduct of youth

The youth must be of good behaviour and not offend against a law in force in the Territory.

24 Youth to reside at premises or place specified

- (1) The youth must reside at the premises or place specified in the alternative detention order.
- (2) The youth must not disturb, or interfere with, any other person residing at the premises or place.

25 Youth attending other places

- (1) The youth must not leave the premises or place specified in the alternative detention order except as approved by the CEO to attend:
 - (a) the youth's place of employment to engage in that employment; or
 - (b) a place:
 - (i) of religious worship; or
 - (ii) of business; or
 - (iii) that is an educational or rehabilitation centre.
- (2) Subsection (1) does not prevent the youth from attending a place to obtain urgent medical or dental treatment.
- (3) The youth must notify a community youth justice officer, as soon as practicable, of any absence from the premises or place to receive medical or dental treatment.
- (4) The youth must proceed directly, and by the shortest practicable route, to and from a place the youth is authorised by this regulation to attend.

26 Surveillance

- (1) The youth must accept the supervision of a community youth justice officer and obey all reasonable directions of the probation and parole officer.

- (2) If required by the CEO, the youth must:
 - (a) accept telephone calls by a community youth justice officer to the premises or place specified in the alternative detention order or to the youth's place of employment; and
 - (b) accept telephone calls from a machine, equipment or device associated with a monitoring device to the premises or place; and
 - (c) accept visits from a community youth justice officer at a place the youth is authorised under regulation 25 to attend.
- (3) The youth must attend counselling or courses at the times and places directed by a community youth justice officer.
- (4) If a community youth justice officer directs the youth not to associate with a particular person, the youth must comply with the direction.
- (5) The youth must submit to tests as required by a community youth justice officer for the purpose of detecting the presence of alcohol or other drugs in the youth's blood, breath or urine.
- (6) If a community youth justice officer is performing a function under the Act, the youth must:
 - (a) permit the community youth justice officer, and any other person who is assisting in performing the function, to enter the premises or place specified in the order, and any building at the premises or place; and
 - (b) not obstruct the community youth justice officer or other person in the performance of the function.
- (7) The youth must not threaten, insult or use abusive language to a community youth justice officer.

27 Prohibited conduct

The youth must not do any of the following:

- (a) visit any premises or place other than in accordance with regulation 25;
- (b) consume alcohol;
- (c) use or consume an illicit drug or substance.

28 Firearms

- (1) The youth must not, without the approval of the CEO, possess a firearm as defined in section 3(1) of the *Firearms Act 1997* at the premises or place specified in the alternative detention order as the premises or place at which the youth must reside.
- (2) If the youth knows of another person bringing a firearm onto the premises or place, the youth must notify a community youth justice officer without delay.

Part 4A Family responsibility orders

28A Geographical limit for making orders

A family responsibility order may only be made for a youth if a parent of the youth ordinarily lives in an area described in Schedule 1.

Part 4AA Alcohol and drug testing

Division 1 Preliminary matters

28AA Definitions

In this Part:

blood analysis, see regulation 28AB(e).

breath analysis, see regulation 28AB(d).

breath test, see regulation 28AB(a).

health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student).

pathologist means a medical practitioner who holds a specialist registration under the Health Practitioner Regulation National Law in the recognised speciality of pathology.

phlebotomist means person who has been trained to take samples of blood from persons by a registered training organisation (as defined in section 3 of the *National Vocational Education and Training Regulator Act 2011* (Cth)).

prescribed breath analysis instrument, see section 3(1) of the *Traffic Act 1987*.

saliva test, see regulation 28AB(b).

urine test, see regulation 28AB(c).

28AB Prescribed tests

For section 140AF(6)(a) of the Act, the following tests are prescribed:

- (a) a test of a sample of a person's breath to detect whether alcohol may be present in the person's breath carried out using a device designed for that purpose (a **breath test**);
- (b) a test of a sample of a person's saliva to detect whether a drug may be present in the person's body carried out using a device designed for that purpose (a **saliva test**);
- (c) a test of a sample of a person's urine to detect whether a drug may be present in the person's body carried out using a device designed for that purpose (a **urine test**);
- (d) an analysis of a sample of a person's breath to ascertain the concentration of alcohol in the person's breath carried out using a prescribed breath analysis instrument (a **breath analysis**);
- (e) an analysis of a sample of a person's blood to do either or both of the following:
 - (i) detect whether alcohol or a drug may be present in the person's body;
 - (ii) ascertain the concentration of alcohol or a drug in the person's body (a **blood analysis**).

28AC Prescribed samplers

For section 140AF(6)(b) of the Act, a person is a prescribed sampler for a prescribed test if the person is authorised under regulation 28AD, 28AE or 28AF to take a sample for the test.

Division 2 Carrying out of tests

28AD Carrying out of breath test, saliva test or urine test

A breath test, saliva test or urine test (including the taking of the sample) must be carried out by one of the following:

- (a) a community youth justice officer;

- (b) a police officer;
- (c) a person approved, or in a class of persons approved, in writing by the CEO.

28AE Carrying out of breath analysis

A breath analysis (including the taking of the sample) must be carried out by:

- (a) a person authorised under the *Traffic Act 1987* to use a prescribed breath analysis instrument; or
- (b) a person approved, or in a class of persons approved, in writing by the CEO.

28AF Carrying out of blood analysis

- (1) The taking of a sample for a blood analysis must be carried out by:
 - (a) a health practitioner; or
 - (b) a phlebotomist.
- (2) The analysis of the sample must be carried out by a pathologist.

Division 3 Evidentiary matters

28AG Evidentiary certificates

- (1) This regulation prescribes the prescribed certifiers and certifiable matters for section 140AH of the Act.
- (2) The CEO may issue an evidentiary certificate in relation to the fact that on a specified date:
 - (a) a specified person was any of the following:
 - (i) the CEO;
 - (ii) a superintendent of a detention centre;
 - (iii) a community youth justice officer;
 - (iv) a person approved by the CEO under regulation 28AD(c) or 28AE(b); or
 - (b) a specified class of persons was approved by the CEO under regulation 28AD(c) or 28AE(b).

- (3) The Commissioner of Police may issue an evidentiary certificate in relation to the fact that on a specified date a specified person was any of the following:
 - (a) a police officer;
 - (b) a person authorised as mentioned in regulation 28AE(a).
- (4) A person mentioned in regulation 28AD may issue an evidentiary certificate in relation to the following:
 - (a) that the person carried out a breath test, saliva test or urine test on a sample given by, or taken from, a specified person;
 - (b) when and how the sample was given or taken and the test was carried out;
 - (c) the results of the test.
- (5) A person mentioned in regulation 28AE may issue an evidentiary certificate in relation to the following:
 - (a) that the person carried out a breath analysis on a sample of breath given by a specified person;
 - (b) when and how the sample was taken and the analysis was carried out;
 - (c) the results of the analysis.
- (6) A health practitioner or phlebotomist may issue an evidentiary certificate in relation to the following:
 - (a) that the practitioner or phlebotomist took a sample of blood from a specified person;
 - (b) when and how the sample was taken;
 - (c) what the practitioner or phlebotomist did with the sample.
- (7) A pathologist may issue an evidentiary certificate in relation to the following:
 - (a) that the pathologist carried out an analysis of a sample of blood identified as having been taken from a specified person at a specified date and time;
 - (b) when and how the analysis was carried out;
 - (c) the results of the analysis.

Part 5 Detention centres and detainees

Division 1 Preliminary matters

29 Definitions

In this Part:

member of staff, in relation to a detention centre, means a member of the staff of the detention centre.

Ombudsman means the person holding or occupying:

- (a) the office of Ombudsman under the *Ombudsman Act 2009*; or
- (b) an office of a Commonwealth ombudsman under the *Ombudsman Act 1976* (Cth).

property, of a detainee, includes money.

Superintendent, in relation to a detention centre, means the superintendent appointed under section 151(1) of the Act for the detention centre.

Division 2 Administrative matters

30 Determination by CEO or Superintendent

- (1) The CEO or Superintendent may make a determination in relation to any of the following:
 - (a) the management and operation of a detention centre;
 - (b) the maintaining of order within a detention centre;
 - (c) a grievance or complaint of a detainee;
 - (d) the health, welfare, safe custody and protection of a detainee.
- (2) A determination may relate to the conduct of persons (whether detainees or other persons) within the detention centre.
- (3) The Superintendent must ensure a copy of a determination relating to conduct of detainees is given to each detainee on admission to the detention centre or as soon as practicable after admission.

31 Certain determinations become rules of detention centre

- (1) Determinations relating to conduct of detainees may be referred to as **rules** of the detention centre.

- (2) The Superintendent must ensure a copy of the rules is posted in a place or places where detainees can access them.
- (3) If a detainee is unable to read and understand the rules, a member of staff must explain them to the detainee in a language and manner the detainee is likely to understand, having regard to the detainee's age, health, maturity, cultural background and English language skills.
- (4) A breach of the rules by a detainee may result in disciplinary action.
- (5) If a determination is amended or a new determination is made, the Superintendent must ensure all detainees are made aware of any change to the rules.

32 Certain persons may attend at detention centre

- (1) The following persons may attend at a detention centre at any reasonable time, subject to the conditions the CEO considers appropriate:
 - (a) a Supreme Court Judge or Youth Judge;
 - (b) an official visitor for the detention centre;
 - (c) a member of the Legislative Assembly;
 - (d) a medical practitioner, nurse or midwife who is attending to business at the detention centre;
 - (e) a person authorised in writing by the CEO.
- (2) An Ombudsman or a person authorised by an Ombudsman may, in the course of an investigation being conducted by the Ombudsman, attend at a detention centre at any reasonable time subject to the conditions the CEO considers appropriate.

33 Particulars to be recorded in register

- (1) For section 158(1)(d) of the Act, the following are the particulars the Superintendent must record in the register in relation to each detainee:
 - (a) a description of the detainee's general appearance, features (including height and mass) and distinguishing marks;
 - (b) any alias known to be used by the detainee;
 - (c) the detainee's usual place of residence when admitted to the detention centre;

- (d) the detainee's date of birth;
 - (e) the reason for admission;
 - (f) the reason for release or transfer from the detention centre.
- (2) The Superintendent must also, when a detainee is admitted to the detention centre, take identifying photographs of the detainee and keep the photographs in or with the register.

34 Destruction of records

- (1) The Superintendent must destroy the photographs, and the records mentioned in regulation 33(1)(a), (b) and (c), if the detainee:
- (a) is discharged without conviction by the Court; or
 - (b) is acquitted of the charge for which he or she was detained.
- (2) However, the Superintendent may keep and use, under regulation 35, the name of a suburb or town that forms part of the information mentioned in regulation 33(1)(c).

35 Use of records for statistical purposes

- (1) The Superintendent may use the records kept in the register, and the name of a suburb or town (as mentioned in regulation 34) for statistical purposes.
- (2) The Superintendent must ensure any statistical information released does not permit any particular youth to be identified.

36 Detainee's property

- (1) As soon as practicable after a detainee is admitted to a detention centre, the Superintendent must make an inventory of all property in the detainee's possession when admitted.
- (2) The detainee must be asked to sign the inventory as an acknowledgment that it is correct.
- (3) If the detainee refuses to sign the inventory, the Superintendent must endorse on the inventory a note of the refusal and any reason given by the detainee for the refusal.
- (4) If the Superintendent is satisfied any of the property is of a perishable, dangerous or unhygienic nature, that property may be destroyed or otherwise dealt with as ordered by the Superintendent.
- (5) A record of the order and action taken must be noted on the inventory.

37 Safekeeping of detainee's property

- (1) The Superintendent may, subject to considerations of security and practicability, authorise the holding at the detention centre of property for a detainee.
- (2) The Superintendent must keep in safekeeping any property held at the detention centre for a detainee, but may at any time:
 - (a) refuse to continue to hold the property; or
 - (b) refuse to accept any other property belonging to the detainee.
- (3) The Superintendent must ensure the property held for a detainee is made available:
 - (a) to the detainee on release from the detention centre or as soon as practicable after release; or
 - (b) while the detainee is detained – to a person nominated in writing by the detainee.
- (4) The person who receives property under subregulation (3) must sign a receipt for the property and the Superintendent must keep a copy of the receipt.
- (5) The Superintendent must ensure the property held for a detainee who is removed from a detention centre to a custodial correctional facility (except temporarily under section 154 of the Act) is sent to the custodial correctional facility.
- (6) A member of staff may search property:
 - (a) issued to or kept by a detainee; or
 - (b) held at a detention centre for a detainee.
- (7) For subregulation (6), the member of staff may, using proper care, dismantle the property.

Division 3 Detainees at risk of self-harm

38 Definition

In this Division:

health professional means a medical practitioner, nurse, midwife or other appropriately qualified person (for example, a social worker or psychologist).

39 Purpose of Division

- (1) This Division prescribes the manner for dealing with a detainee who is considered to be at risk of self-harm.
- (2) To avoid doubt, a detainee may be classified as being at risk of self-harm at any time.

40 Court considers youth at-risk

If the Court endorses a warrant with a note that the youth is at risk of self-harm, when admitted to the detention centre the youth must immediately be referred to a medical practitioner.

41 Detainee at-risk

- (1) If a member of staff considers a detainee may be at risk of self-harm, the member must:
 - (a) ensure the detainee is in view of a member of staff or a health professional at all times until:
 - (i) the Emergency Management Protocol prepared under regulation 42 is implemented; or
 - (ii) an individual management plan for the particular detainee is implemented; and
 - (b) notify the Superintendent or other person in charge of the detention centre at the time.
- (2) The Superintendent or person in charge must immediately:
 - (a) refer the detainee to a medical practitioner; and
 - (b) implement the Emergency Management Protocol or, if an individual management plan has been formulated for the particular detainee, that plan.

42 Emergency Management Protocol

- (1) The CEO must ensure an Emergency Management Protocol is prepared in relation to the accommodation of at-risk detainees in an observation room.
- (2) The Emergency Management Protocol must address the following issues:
 - (a) the observation room must be thoroughly checked for potentially hazardous or unauthorised objects before the detainee is introduced into the room;

- (b) the room must be furnished with a mattress and bedding made of rip-proof and non-flammable material;
 - (c) continuous monitoring of the detainee by closed-circuit television, or physical observation by a member of staff, and written recording of observations (including the date, time and name of the member of staff) at intervals not exceeding 15 minutes;
 - (d) all potentially harmful items must be removed from the detainee's possession;
 - (da) if a member of staff considers it necessary to prevent the detainee from inflicting self-harm – the detainee may be clothed in rip-proof material;
 - (e) the detainee must be provided with adequate fluids and food suitable to be eaten without cutlery.
- (3) The Emergency Management Protocol may address other issues the CEO or Superintendent considers appropriate.
- (3A) If an at-risk detainee is accommodated in an observation room under the Emergency Management Protocol, the detainee has the same rights as the detainee would have if the detainee had been separated under section 155A of the Act.
- (4) The Superintendent must ensure the Emergency Management Protocol is implemented in relation to an at-risk detainee and is maintained until an individual management plan is formulated for the particular detainee.
- (5) If an individual management plan has been formulated for an at-risk detainee, the Emergency Management Protocol yields to the plan.

43 Individual management plan

- (1) If a medical practitioner assesses the detainee as being at risk of self-harm, the medical practitioner must formulate and document an individual management plan for the detainee.
- (2) The plan must be culturally appropriate for the detainee.
- (3) The medical practitioner must consult, as practicable, with:
 - (a) persons having relevant knowledge of the detainee; and
 - (b) persons likely to play a key role in the management of the detainee.

- (4) The plan must be updated as appropriate after each time a health professional has contact with the detainee.

44 Cancellation of at-risk status

- (1) A detainee's at-risk status may be cancelled only on the recommendation of a medical practitioner after consultation with the Superintendent or a member of staff authorised by the Superintendent for that purpose.
- (2) After a detainee's at-risk status is cancelled, the detainee must be provided with appropriate follow-up attention by a medical practitioner or other appropriate health professional.

Division 4 Matters relating to visitors

45 Visitors book

- (1) The Superintendent must keep a visitors book at the detention centre.
- (2) The following details must be entered in the visitors book in relation to each person visiting a detainee:
 - (a) the name of the visitor;
 - (b) the date of the visit;
 - (c) the name of the detainee.

46 Visits to detainees

- (1) The Superintendent must permit a detainee to receive a visit from a friend or relative as soon as practicable after the detainee's admission to a detention centre.
- (2) The Superintendent must, as practicable, permit a detainee to receive at least one visit each week from a friend, relative or other person during the period the detainee is detained at the detention centre.
- (3) The Superintendent may, in addition to those visits, permit a detainee to receive visits from friends, relatives or other persons under the conditions the Superintendent considers appropriate.
- (4) The Superintendent may require a visit to a detainee to take place in the presence of, or under the general supervision of, a member of staff.

- (5) The Superintendent may, if satisfied it is appropriate, facilitate communication and visitation between a detainee and a responsible adult in respect of the detainee.

47 Visits by legal representative or interpreter

- (1) A legal representative or interpreter for a detainee may, together or separately, visit the detainee at any reasonable time.
- (2) A visit by the detainee's legal representative must not be monitored.
- (3) Despite subregulation (2), the Superintendent may direct that the visit must take place within the view, but not within the hearing, of a member of staff.

48 Requirements for visitors

A person seeking entry to a detention centre, whether to visit a detainee or for any other reason, must:

- (a) give his or her name and address; and
- (b) produce proof of his or her identity; and
- (c) if required by a member of staff – submit to a search of his or her person or a thing in his or her possession.

49 Entry may be refused

The Superintendent may refuse permission to enter the detention centre to a person:

- (a) who does not comply with regulation 48; or
- (b) whose presence would, in the Superintendent's opinion, be prejudicial to the good order and management of the detention centre or to the interests of a detainee.

50 Person may be required to leave

- (1) If the Superintendent is satisfied a person has behaved improperly or inappropriately while at the detention centre, the Superintendent may require the person to leave the detention centre.
- (2) The person must comply with the requirement.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

51 Detainee's refusal to see visitor

- (1) A detainee may refuse to see a visitor.
- (2) However, if the Superintendent determines it is in the interests of the detainee that the detainee see the visitor, the Superintendent may override the detainee's refusal.

52 Visit to detainee in hospital

- (1) This regulation applies in relation to a detainee who is in hospital.
- (2) A person must not visit the detainee without the permission of the CEO or Superintendent.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

- (3) If the detainee is seriously ill, the CEO or Superintendent must only permit visitors who are, in the opinion of the CEO or Superintendent, appropriate in the circumstances.

Division 5 Detainee's mail and communication

53 Definitions

In this Division:

letter means a letter, card, telegram, document or other similar form of written communication, and includes:

- (a) an envelope or other packaging containing any of those things; and
- (b) a fax, email or other electronic transmission.

parcel means a parcel, package or other similar article.

54 Inspection of mail

- (1) This regulation applies if the Superintendent suspects the contents of a letter or parcel:
 - (a) may threaten or disturb the person to whom the letter or parcel is addressed or any other person; or
 - (b) may relate to an unlawful purpose; or
 - (c) may adversely affect the security, safety or good order of the detention centre.

- (2) The Superintendent, or a member of staff authorised by the Superintendent for that purpose, may open and inspect the letter or parcel.
- (3) If a letter or parcel is opened and inspected and the contents are of a nature described in subregulation (1), the Superintendent must:
 - (a) take possession of the letter or parcel and its contents; and
 - (b) deal with them in accordance with any directions given by the CEO.
- (4) The CEO may give directions generally or in a specific case.
- (5) The Superintendent must advise the detainee to whom the letter or parcel is addressed or by whom it is being sent (as the case may be) that the letter or parcel has been dealt with under this regulation.

55 Letter to or from Minister and others

- (1) The Superintendent or a member of staff must not delay, intercept, open or inspect a letter:
 - (a) sent by a detainee and addressed to the detainee's legal representative, the Minister, the CEO or an Ombudsman; or
 - (b) addressed to a detainee – if the letter has apparently been sent from the detainee's legal representative, the Minister, the CEO or an Ombudsman.
- (2) Despite subregulation (1), if the Superintendent reasonably suspects that a letter addressed to a detainee and purporting to have been sent from the detainee's legal representative, the Minister, the CEO or an Ombudsman, does not originate from that source, the Superintendent may open the letter and inspect it to the extent necessary to establish its origin.
- (3) If the Superintendent opens and inspects a letter under subregulation (2), the Superintendent must advise the CEO as soon as practicable, in writing, of:
 - (a) the action taken; and
 - (b) the reason for suspecting the letter did not originate from the relevant source; and
 - (c) the finding on opening and inspecting the letter.

- (4) The Superintendent must deal with the letter in accordance with the directions given by the CEO .
- (5) The CEO may give directions generally or in a specific case.
- (6) The Superintendent must advise the detainee to whom the letter is addressed that the letter has been dealt with under this regulation.

56 Telephone calls

- (1) The Superintendent must allow a detainee to make and receive telephone calls on the conditions the Superintendent considers appropriate.
- (2) A detainee must be permitted to make or receive at least one telephone call per week.

Division 6 Health of detainees

57 Medical examination of detainees

- (1) The Superintendent must ensure a comprehensive medical and health assessment is carried out on each detainee within 24 hours after the detainee's admission to the detention centre.
- (2) If a medical practitioner is not available to carry out the assessment, a registered nurse or a midwife may carry out an interim assessment.
- (3) If an interim assessment is conducted by a registered nurse or a midwife, a full examination by a medical practitioner must be carried out as soon as practicable.
- (4) In this regulation:

registered nurse means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing profession (other than as a student);
and
- (b) in the registered nurses division of that profession.

58 Medical attention and treatment

A detainee must be provided with the medical attention, treatment and medicine that, in the opinion of a medical practitioner, is necessary for the preservation of the health of the detainee and, if applicable, other detainees and members of staff.

59 Superintendent to be notified of illness

- (1) A member of staff who notices that a detainee appears to be physically or mentally ill must bring the matter to the attention of the Superintendent without delay.
- (2) The Superintendent must ensure appropriate medical attention is provided to the detainee.

60 Urgent medical attention

In an emergency requiring that medical attention be provided to a detainee, the members of staff responsible for supervising the detainee must take action that is reasonable in the circumstances and likely to ensure that medical attention is provided to the detainee as soon as practicable.

Division 7 Matters relating to detainees

61 Detainee clothing

- (1) The Superintendent must ensure that, on admission to the detention centre, a detainee is issued with sufficient clothing:
 - (a) to allow the detainee to have a clean change each day; and
 - (b) that is appropriate for the climatic conditions prevailing in the region; and
 - (c) that is appropriate for participation in sporting and recreation activities; and
 - (d) other than for the purpose of sporting activities, that is of varying colours and styles so as not to represent a uniform.
- (2) The detainee must also be issued with footwear appropriate for the various activities in which a detainee would normally participate.

62 Detainee dietary requirements

- (1) The Superintendent must ensure food supplied to detainees meets the dietary requirements of developing youths.
- (2) If the Superintendent determines that, because of religious or personal beliefs, a detainee requires special dietary consideration, the Superintendent must ensure those requirements are met to the extent practicable.

- (3) If the Superintendent has been informed of a detainee's special dietary requirements by a medical practitioner, the Superintendent must ensure those dietary requirements are met.

63 Access to ministers of religion

The Superintendent must ensure:

- (a) detainees have access to an appropriate minister of religion if required; and
- (b) detainees may pursue their religious beliefs to the extent practicable.

64 Responsibilities of members of staff

- (1) Members of staff must exercise understanding, restraint and patience in the care, control and supervision of detainees and in the maintenance of discipline amongst detainees.
- (2) Members of staff must encourage positive behaviour among detainees that is consistent with increasing the responsibility and independence of detainees.

65 Detainee to follow instructions and rules

- (1) A detainee must:
- (a) follow all lawful instructions given to the detainee by the Superintendent or a member of staff; and
- (b) obey the rules of the detention centre; and
- (c) comply with all written instructions addressed generally to detainees.
- (2) A detainee aggrieved by an instruction must comply with the instruction to the extent practicable, but may later make a complaint in relation to the instruction.

66 Complaint by detainee

- (1) A detainee may make a written complaint to the Superintendent in relation to a matter arising from his or her detention.
- (2) The complaint may be lodged with any member of staff.
- (3) If a detainee lacks adequate writing skills, the complaint must be written on his or her behalf by a member of staff, accurately recording the nature of the complaint.

- (4) A member of staff with whom a complaint is lodged or who writes a complaint on behalf of a detainee must forward the complaint to the Superintendent without delay.
- (5) The Superintendent must deal with a complaint as soon as practicable.
- (5A) If, in the opinion of the Superintendent, the complaint is about a matter that could be the subject of a complaint under the *Children's Commissioner Act 2013*, the Superintendent:
 - (a) may refer the complaint to the Children's Commissioner; or
 - (b) if the complaint is to be dealt with under these Regulations – must, as soon as practicable, give written notice about the complaint to the Children's Commissioner.
- (6) The Superintendent may dismiss a complaint without further action if he or she considers the complaint to be trivial.
- (7) A detainee must be informed of the outcome of, or action taken in relation to, his or her complaint.

67 Register of complaints

- (1) The Superintendent must maintain a complaints register at the detention centre.
- (2) The following details must be recorded in the register in relation to every complaint received from, or on behalf of, a detainee:
 - (a) the name of the complainant;
 - (b) the name of the person from whom the complaint was received;
 - (c) the date and time the complaint was received;
 - (d) the nature of the complaint;
 - (e) the action taken on the complaint.

68 Remaining in detention centre

- (1) If a detainee who is to be released from a detention centre requests, the Superintendent may permit the detainee to remain in the detention centre overnight until the morning after the release date.
- (2) A request for subregulation (1) must be in writing and witnessed by a person who is not a member of staff.

- (3) If a detainee is seriously ill on his or her release date, the Superintendent may, on the recommendation of a medical practitioner, permit the detainee to remain in the detention centre until suitable arrangements are made for the detainee's release.
- (4) The rules of the detention centre continue to apply to a youth who remains in the centre past his or her release date.

Division 8 Management of detainees

69 Productive activities to be made available

- (1) The Superintendent must maintain a comprehensive case management system to assess each detainee's needs in relation to education, vocational training and rehabilitation.
- (2) The Superintendent must ensure an appropriate programme of productive activities that addresses the identified needs of the detainee is available to each detainee.

72 Separation

- (1) If a detainee is separated under section 155A of the Act:
 - (a) the detainee must be continuously monitored by closed-circuit television or physical observation by a member of staff; and
 - (b) written observations by a member of staff, including the date, time and name of the member of staff, must be recorded at intervals not exceeding 15 minutes; and
 - (c) the Superintendent must reassess the decision to separate the detainee every 2 hours.
- (2) The Superintendent must keep a journal recording the following:
 - (a) the date and time a detainee is separated;
 - (b) the name of the detainee;
 - (c) the reason why the detainee was separated;
 - (d) the behavioural and therapeutic measures attempted under section 155A(3)(a) of the Act;
 - (e) the time the on-call person in charge was notified and that person's name;

- (f) the observations of a member of staff at intervals not exceeding 15 minutes and the name of the member of staff making the observation;
- (g) notes of all assessments made under subregulation (1)(c);
- (h) the date and time of exercise periods and ablutions;
- (i) the name of any visitor to the detainee and the date and time of the visit;
- (j) details of any approval by the CEO for separation exceeding 12 hours;
- (k) the date and time the detainee is released from the separation cell.

73 Searches

- (1) A search of a detainee conducted under section 161 of the Act must be conducted having regard to the detainee's dignity and self-respect.
- (2) A search of a detainee must, as practicable:
 - (a) be conducted by a member of staff of the same gender as the detainee; and
 - (b) be in the presence of another member of staff of the same gender as the detainee.
- (3) A personal search of a detainee:
 - (a) must be conducted by no more than 2 members of staff of the same gender as the detainee; and
 - (b) must not be conducted in the sight or presence of:
 - (i) another detainee; or
 - (ii) a person of the opposite gender; or
 - (iii) more people than is necessary.
- (4) A personal search of a detainee is to be conducted in accordance with the following:
 - (a) the detainee is to remove the clothing from the top half of the detainee's body for inspection, after which the detainee must be permitted to re-dress;

- (b) after the detainee has re-dressed the detainee is to remove the clothing from the bottom half of the detainee's body for inspection, after which the detainee must be permitted to re-dress.

74 Search register

- (1) The Superintendent must keep a search register at the detention centre.
- (2) The following details must be recorded in the register in relation to each search of a detainee or of a detainee's personal area or effects:
 - (a) the name of the detainee;
 - (b) the names of the members of staff who carried out the search;
 - (c) the nature of the search, for example, the detainee's person, clothing or room;
 - (d) the date and time the search was carried out;
 - (e) the reason for the search;
 - (f) the results of the search.
- (3) The register may also record other information the Superintendent considers appropriate.

Part 6 Forms

75 Prescribed forms

- (1) For section 21 of the Act, Form 1 of Schedule 2 is the document that charges a youth with an offence.
- (2) Form 2 of Schedule 2 is a summons to a youth to answer a charge.
- (3) For sections 30, 31 and 33 of the Act, Form 3 of Schedule 2 is an application for approval to carry out a forensic procedure on a youth.
- (4) For section 63(3) of the Act, Form 4 of Schedule 2 is a summons to a responsible adult.
- (5) For sections 63(3), 121(4) and (5) and 142(9) of the Act, and in any case where a youth fails to answer a summons to appear, Form 5 of Schedule 2 is a warrant.

- (6) Form 6 of Schedule 2 is a remand warrant for a youth who is remanded in custody.
- (7) If no other particular form is applicable, Form 7 of Schedule 2 is an order made under the Act by the Court.
- (8) For section 83(1)(f) of the Act, Form 8 of Schedule 2 is a good behaviour order.
- (9) For section 83(1)(h) of the Act, Form 9 of Schedule 2 is a community work order.
- (10) For section 83(1)(i) of the Act, Form 10 of Schedule 2 is an order under to wholly or partly suspend a sentence of detention or imprisonment.
- (11) For section 83(1)(j) of the Act, Form 11 of Schedule 2 is an alternative detention order.
- (12) For section 83(1)(k) of the Act, Form 12 of Schedule 2 is a periodic detention order.
- (13) For section 117 of the Act, Form 13 of Schedule 2 is a warrant of commitment for a youth sentenced to periodic detention under section 83(1)(k) of the Act.
- (14) For section 83(1)(l) of the Act, Form 14 of Schedule 2 is a warrant of commitment for a youth sentenced to detention or imprisonment.
- (15) For section 121(2) of the Act, and whenever an application for an order is made, Form 15 of Schedule 2 is the application.
- (15A) For section 140G of the Act, Form 15A of Schedule 2 is an application for an inquiry into the family circumstances of a youth.
- (15B) For section 140J of the Act, Form 15B of Schedule 2 is family responsibility order.
- (16) For section 141 of the Act, Form 16 of Schedule 2 is an application for reconsideration of a sentence.
- (17) For section 142 of the Act, Form 17 of Schedule 2 is an application for review of a sentencing order.
- (18) Form 18 of the Schedule is an affidavit for service of documents under the Act.

Schedule 1 Geographical areas for family responsibility orders

regulation 28A

Part A Local government areas

Municipality	Gazette No.	Gazette date
Alice Springs	G10	15 March 2000
Darwin	S11	4 March 1988
Palmerston	G40	14 October 1998

Part B Localities and suburbs named under *Place Names Act 1967*

Locality or suburb	Gazette No.	Gazette date or date name entered in register
Amoonguna		3 April 2007
Bees Creek	G43 and G29	29 October 1997 and 29 July 1998
Berrimah	G45	18 November 1998
Burt Plain		3 April 2007
Charles Darwin	G45	18 November 1998
Coolalinga	G43	29 October 1997
East Arm	G16	21 April 2004
Elrundie	G16	21 April 2004
Freds Pass	G43	29 October 1997
Girraween	G43	29 October 1997
Hale		3 April 2007
Herbert	G27	15 July 1998
Hermannsburg		3 April 2007
Hidden Valley	G16	21 April 2004
Holtze	G43	29 October 1997
Howard Springs	G43	29 October 1997
Hugh		3 April 2007
Humpty Doo	G43	29 October 1997
Knuckey Lagoon	G43	29 October 1997

McMinns Lagoon	G43	29 October 1997
Namatjira		3 April 2007
Santa Teresa		3 April 2007
Titjikala		3 April 2007
Tivendale	G16	21 April 2004
Virginia	G43	29 October 1997
Wallace Rockhole		3 April 2007
Wishart	G16	21 April 2004

Note

Following amendments to the Place Names Act 1967 on 7 September 2005, a name approved for a place:

- (a) becomes the name of the place on the date the name is recorded in a register kept by the Place Names Committee of the Northern Territory; and*
- (b) is not required to be notified in the Gazette.*

The register can be viewed on the Committee's website at <http://www.nt.gov.au/placenames/index.shtml>

Schedule 2 Forms

regulation 75

FORM 1

regulation 75(1)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

CHARGE

I, _____, of _____, an _____, authorised
with the consent of _____ officer,
charge that [*name, sex and date of birth of youth*],
of [*address*]
committed the following offence(s): [*specify details of offence(s), including
date and place of offence(s)*]

[*Signed*]

*Signed/*made on oath before me

[*Signed*]
Justice of the peace

Date:

*Delete if not applicable

FORM 2

regulation 75(2)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

SUMMONS TO YOUTH

To: [*name, sex and date of birth of youth*]
of [*address*]

You have been charged by [*name*]

of _____ that you committed the following offence(s): [*specify details of offence(s), including date and place of offence(s)*]

You are summoned to appear before the Youth Justice Court at [*place*]
on [*date*] at [*time*] to answer the charge and be dealt with according to law.

[*Signed*]
Justice of the peace

Date:

Note

If you fail to appear in response to this summons, a warrant may be issued for your arrest.

FORM 3

regulation 75(3)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

**APPLICATION FOR APPROVAL TO CARRY OUT
FORENSIC PROCEDURE ON YOUTH**

I, *a police officer/
*an authorised officer/*officer in charge of
police station, apply to *the Court/*[*senior police officer*]
for approval to carry out:

- *an intimate procedure
- *a non-intimate procedure
- *an identifying procedure

on [*name, sex and date of birth of youth*]
of [*address*]

- *who is in lawful custody in respect of an offence
- *who has been charged with an offence
- *against whom proceedings have been instituted by summons
- *against whom proceedings by summons have been consented to by an authorised officer.

[*Signed*]
Applicant

Date:

*This application will be dealt with by the Youth Justice Court at [*place*]
on [*date*] at [*time*].

[*Signed*]
Registrar

Date:

**Delete if not applicable*

FORM 4

regulation 75(4)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

SUMMONS TO RESPONSIBLE ADULT

To: [*name of adult*]
of [*address*]

You are summoned to attend the Youth Justice Court at [*place*]
on [*date*] at [*time*] in respect of the
following charge(s) against [*name of youth*]
in respect of whom you are a responsible adult within the meaning of the
Youth Justice Act 2005: [*details of charge(s)*]

[*Signed*]
Justice of the peace

Date:

Notes

1. *If you fail to attend in response to this summons, a warrant may be issued for your arrest.*
2. *If there are circumstances that make it unreasonable to require your attendance in response to this summons, you should contact [*details*].*

FORM 5

regulation 75(5)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

WARRANT

To all police officers in the Northern Territory:

You are authorised to apprehend or arrest [*name, sex and date of birth of person*]

of [*address*],

- *who, in respect of proceedings against [*name of youth*] :
 - *failed to attend the Youth Justice Court;
 - *failed to remain in attendance during the proceedings;
 - *failed to answer a summons to attend the Youth Justice Court;
- *who I am satisfied:
 - is in breach of an order of the Youth Justice Court; and
 - may not appear in Court for a hearing in relation to the breach;
- *who failed to attend the Youth Justice Court:
 - *for a hearing in relation to a breach of an order of the Court;
 - *for a hearing of an application for a review of a sentence in relation to him or her;

and bring him or her before the Court.

[*Signed*]
Justice of the peace

Date:

**Delete if not applicable*

FORM 6

regulation 75(6)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

REMAND WARRANT

To: all police officers in the Northern Territory and to *the Superintendent of detention centre/*officer in charge of custodial correctional facility:

The Youth Justice Court at [*place*] on [*date*]
remanded [*name, sex and date of birth of youth*]
of [*address*]
in custody in relation to the following charge(s):

You are ordered to:

- apprehend the youth if necessary;
- take the youth to the nearest *detention centre/*custodial correctional facility;
- deliver the youth to the *Superintendent/*officer in charge;
- take the youth into custody and keep him or her (unless bailed in the meantime);
- produce the youth before the Court at [*place*]
at [*time*] on [*date*]

[*Signed*]
Justice of the peace

Date:

**Delete if not applicable*

Note

This warrant supersedes any previous warrant issued in this case for the youth.

FORM 7

regulation 75(7)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

ORDER

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*] , the Youth Justice Court at [*place*] ,
orders as follows:

[*Signed*]
Registrar

Date:

FORM 8

regulation 75(8)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***GOOD BEHAVIOUR ORDER**

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*], [*name of youth*]
was *found guilty/*convicted by the Youth Justice Court at
[*place*] of the following offence(s):

Case No.	Offence No.	Offence

The Court orders under section 83(1)(f) of the *Youth Justice Act 2005* the youth be released immediately on giving security of \$ [*security amount*] to:

- appear before the Court if called on to do so during the period of [*not exceeding 2 years*];
- be of good behaviour during the period of this order;
- observe the following conditions imposed by the Court:

**Delete if not applicable*

[*Signed*]
Registrar

Date:

I, *[name of youth]*
fully understand the terms of this Good Behaviour Order. I accept those terms
and will comply with the order.

[Signed]
Signed at *[place]* on *[date]* in the presence of

Justice of the peace

Notes

1. *If you fail to comply with any of the conditions of this order, you may be ordered to pay part or all of the security amount.*
2. *A copy of this order must be given to the youth and to any responsible adult who attended Court. A copy must also be sent to the Chief Executive Officer if the order entails supervision.*
3. *You may be arrested immediately if you breach this order.*
4. *You may apply to the Court to review this order.*

FORM 9

regulation 75(9)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***COMMUNITY WORK ORDER**

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*], [*name of youth*]
was *found guilty/*convicted by the Youth Justice Court at [*place*]
of the following offence(s):

Case No.	Offence No.	Offence	Hours

The Court orders under section 83(1)(h) of the *Youth Justice Act 2005* as follows:

[*name of youth*] must:

- (a) participate in work at an approved project;
- the total number of hours to be worked is the total number of hours indicated above [*not exceeding 480 hours*]
 - the work under the order must be completed by [*date*]
- (b) present *himself/*herself
- *at the place, to the person and within the time and by the means as directed by the Chief Executive Officer in writing
 - *as follows

[*Signed*]
Registrar

Date:

**Delete if not applicable*

I, *[name of youth]* fully understand the terms of this Community Work Order and have consented to the making of the order and to the terms of the order. I accept those terms and will comply with the order.

[Signed]

Signed at *[place]* on *[date]* in the presence of
Justice of the peace

Notes

1. *A copy of this order must be given to the youth and to any responsible adult who attended Court. A copy must also be sent to the Chief Executive Officer.*
2. *You may be arrested immediately if you breach this order, including if you change your residential address and do not notify a community youth justice officer within 48 hours.*
3. *You may apply to the Court to review this order.*

IMPORTANT INFORMATION ABOUT YOUR COMMUNITY WORK ORDER

DUTIES IN CARRYING OUT YOUR COMMUNITY WORK ORDER

Youth Justice Act 2005 – section 95 refers

Under your Community Work Order, you must:

- participate, for the number of hours specified in the order, in an approved project as directed by a community youth justice officer; and
- participate in the project to the satisfaction of a community youth justice officer or project supervisor; and
- while participating in the project – comply with any reasonable direction of a community youth justice officer or project supervisor; and
- inform a community youth justice officer of any change in your residential address within 48 hours after the change; and
- not commit an offence while the order is in force.

Unless you consent, you are not required to participate in an approved project under your community work order for more than 8 hours in any one day.

BREACH OF YOUR COMMUNITY WORK ORDER

Youth Justice Act 2005 – sections 96 and 121 refer

You will breach your Community Work Order if you:

- fail to comply with a term or condition of the order; or
- fail to carry out your obligations under section 95 of the Act (printed above); or
- disturb or interfere with any other person participating in or doing anything under a Community Work Order; or
- assault, threaten, insult or use abusive language to a probation and parole officer or project supervisor; or
- change your address to avoid your obligations; or
- fail to comply with the *Youth Justice Regulations 2006* relating to Community Work Orders; or
- commit an offence against a law in force in the Territory or elsewhere during the term of this order.

FORM 10

regulation 75(10)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***ORDER TO SUSPEND SENTENCE OF DETENTION
OR IMPRISONMENT**

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*], [*name of youth*]
was *found guilty/*convicted by the Youth Justice Court at [*place*]
of the following offence(s):

Case No.	Offence No.	Offence	Length of detention or imprisonment

The Court orders under section 83(1)(i) of the *Youth Justice Act 2005* as follows:

- *the whole of the period of detention or imprisonment be suspended and the youth be released immediately;
- *the period of detention or imprisonment be partially suspended and the youth be released after the youth has served [*period to be served*]
- *the period of *detention/*imprisonment is to begin on [*date*]
- the *total period/*balance of the period of *detention/*imprisonment be suspended for a period of [*period, not exceeding 2 years*] from *the date of this order/*[*other date*]

*The Court orders the total effective period of *detention/*imprisonment is [*period*]

*The Court also imposed the following conditions:

[*Signed*]
*Registrar/*Youth Judge

Date:

**Delete if not applicable*

I, *[name of youth]*
fully understand the terms of this order. I accept those terms and will comply
with the order.

[Signed]

Signed at *[place]* on *[date]* in the presence
of

Justice of the peace

Notes

- 1. You may be arrested immediately if you fail to comply with this order.*
- 2. You may apply to the Court to review this order.*

FORM 11

regulation 75(11)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***ALTERNATIVE DETENTION ORDER**

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*], [*name of youth*]
was *found guilty/*convicted by the Youth Justice Court at [*place*]
of the following offence(s):

Case No.	Offence No.	Offence	Length of detention or imprisonment

The Court orders under section 83(1)(j) of the *Youth Justice Act 2005* as follows:

- the sentence is suspended on the youth entering into this alternative detention order; and
- the youth must *reside/*remain at [*address of premises or place*] for a period of [*not exceeding 12 months*]

This order is subject to the following conditions:

- the youth must not leave the premises or place specified above during the period the order remains in force, except as permitted by the Chief Executive Officer or a community youth justice officer; and
- the youth must obey all reasonable directions of the Chief Executive Officer or a community youth justice officer; and
- in accordance with the directions of the Chief Executive Officer, the youth must wear or have attached a monitoring device and allow the placing, or installation in, and retrieval from, the premises or place specified in this order of a machine, equipment or device necessary for the efficient operation of the monitoring device; and
- *[*other conditions imposed by the Court*]

*Delete if not applicable

This alternative detention order remains in force for the period commencing on [date] and ending on [date] unless it is discharged, revoked or varied by the Court.

[Signed]
Registrar

Date:

I, [name of youth] fully understand the terms of this Alternative Detention Order and have consented to the making of the order and to the terms of the order. I accept those terms and will comply with the order.

[Signed]
Signed at [place] on [date] in the presence of
Justice of the peace

Notes

1. A copy of this order must be given to the youth and to any responsible adult who attended Court. A copy must also be sent to the Chief Executive Officer.
2. You may be arrested immediately if you fail to comply with this order.
3. You may apply to the Court to review this order.

INFORMATION ABOUT YOUR ALTERNATIVE DETENTION ORDER

Youth Justice Act 2005 – sections 110 and 121 (Breach of Alternative Detention Order refer).

You will breach your alternative detention order if you:

- fail to reside in or remain at the premises or place specified in the order;
- fail to comply with a term or condition of the order;
- wilfully destroy, damage or remove, or attempt to destroy, damage or remove, any part of a monitoring device or any associated machine, equipment or device;
- fail to comply with a lawful request of a community youth justice officer or police officer to undergo a breath test or breath analysis or provide a blood or urine sample;
- disturb or interfere with any other person residing in the premises or place specified in the order;
- assault, threaten, insult or use abusive language to a probation and parole officer; or
- fail to comply with the *Youth Justice Regulations 2006* relating to alternative detention orders; or
- commit an offence against a law in force in the Territory or elsewhere during the term of this order.

FORM 12

regulation 75(12)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***PERIODIC DETENTION ORDER**

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

On [*date*], [*name of youth*]
was *found guilty/*convicted by the Youth Justice Court at [*place*]
of the following offence(s):

Case No.	Offence No.	Offence	Length of detention or imprisonment

The Court orders under section 83(1)(k) of the *Youth Justice Act 2005* as follows:

- the youth must serve [*number*] periods of *detention/*imprisonment;
- each period of *detention/*imprisonment is [*number of days*];
- the *detention/*imprisonment must be served at [*name of *detention centre/*custodial correctional facility*];
- the youth must first report to the *detention centre/*custodial correctional facility on [*day and date*] at [*time*];
- the youth must subsequently report on each following [*day of week*] at [*time*].

*The Court orders the total effective period of *detention/*imprisonment is [*period*]

*The Court also imposed the following conditions:

[*Signed*]
*Registrar/*Youth Judge

Date:

**Delete if not applicable*

I, *[name of youth]* fully understand the terms of this Periodic Detention Order and have consented to the making of the order and to the terms of the order. I accept those terms and will comply with the order.

[Signed]

Signed at *[place]* on *[date]* in the presence of

Justice of the peace

Notes

1. *A copy of this order must be given to the youth and to any responsible adult who attended Court. A copy must also be sent to the *Commissioner/*Chief Executive Officer.*
2. *You may be arrested immediately if you breach this order. You will breach this order if you fail to report at an appropriate time to serve a period of detention. You will also breach this order if you report for a period of detention in an unfit state.*

IMPORTANT INFORMATION ABOUT YOUR PERIODIC DETENTION ORDER

CONDITIONS APPLYING TO YOUR PERIODIC DETENTION ORDER

Youth Justice Act 2005 – section 114 refers

Under your Periodic Detention Order, you must:

- report to the specified detention centre or custodial correctional facility at the time and on the date specified for the first period of detention or imprisonment; and
- report to the detention centre or custodial correctional facility at the time and on the day of the week specified for subsequent periods of detention or imprisonment until the specified number of periods have been served; and
- notify the superintendent of the detention centre or officer in charge of the custodial correctional facility within 48 hours after being charged with an offence, in the Territory or elsewhere, while the order is in force; and
- notify the superintendent of the detention centre or officer in charge of the custodial correctional facility of any change in your address, within 48 hours after the change, while the order is in force; and
- obey all lawful instructions and directions of the *Commissioner of Correctional Services/*Chief Executive Officer and the superintendent of the detention centre or officer in charge of the custodial correctional facility, as the case may be, while the order is in force; and

- comply with any conditions the Court has imposed.

FORM 13

regulation 75(13)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***WARRANT OF COMMITMENT – PERIODIC DETENTION**

To: *Superintendent of detention centre/
*officer in charge of custodial
correctional facility:

The Youth Justice Court at [*place*] on [*date*]
sentenced [*name, sex and date of birth of youth*]
of [*address*]
to a period of *detention/*imprisonment as follows:

Case No.	Offence No.	Offence	Length of detention or imprisonment

The youth must report to the *detention centre/*custodial correctional facility on the dates and at the times, and must be released on the dates and times, following:

Report		Release	
Date	Time	Date	Time

You are ordered to take the youth in custody and keep him or her for the periods specified and any further periods in accordance with section 119 of the *Youth Justice Act 2005*.

[*Signed*]
Registrar

Date:

*Delete if not applicable

FORM 14

regulation 75(14)

NORTHERN TERRITORY OF AUSTRALIA*Youth Justice Act 2005***WARRANT OF COMMITMENT – DETENTION OR IMPRISONMENT**

To: all police officers in the Northern Territory and to the *Superintendent of detention centre/*officer in charge of custodial correctional facility:

The Youth Justice Court at [*place*] on [*date*]
 sentenced [*name, sex and date of birth of youth*]
 of [*address*]
 to a period of *detention/*imprisonment as follows:

Case No.	Offence No.	Offence	Length of detention or imprisonment

- *Total effective period of detention/*imprisonment ordered is
- *Sentence to commence on [*date*]
- *Youth to be released, and the balance of the period of *detention/*imprisonment to be suspended, after serving [*period to be served*]

You are ordered to:

- apprehend or arrest the youth if necessary;
- take the youth to the nearest *detention centre/*custodial correctional facility;
- deliver the youth to the *Superintendent/*officer in charge;
- take the youth into custody and keep him or her for the period specified.

[*Signed*]
 *Registrar/*Youth Judge

Date:

**Delete if not applicable*

FORM 15

regulation 75(15)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

APPLICATION FOR ORDER

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

I, [*name of applicant*]
of [*address*]

- *the *youth/*responsible adult named in the order
- *on behalf of the youth named in the order
- *the Commissioner of Correctional Services/*Chief Executive Officer
- *a prosecutor

apply to the Youth Justice Court at [*place*] for an order as
follows:

[*particulars of the order sought or, if breach of order alleged, particulars of
order and breach*]

[*Signed*]
Applicant

Date:

This application will be heard by the Youth Justice Court at [*place*]
on [*date*] at [*time*]

[*Signed*]
Registrar

Date:

**Delete if not applicable.*

Note

*If you (the youth) fail to appear for the hearing of this application, a warrant
may be issued for your arrest.*

FORM 15A

regulation 75(15A)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

APPLICATION FOR INQUIRY INTO FAMILY CIRCUMSTANCES

In the matter of: [*name of youth*]
of [*address*]

I, [*name of applicant*]
of [*address*]

*on behalf of [*name of appropriate Agency*]

*a police officer

apply to the Youth Justice Court at [*place*] for an inquiry into the family circumstances of [*name of youth*] on the following basis:

*a parent, or the parents, of the youth have entered into a family responsibility agreement but the youth has continued to exhibit behavioural problems.

*a parent or the parents of the youth have been invited to enter into a family responsibility agreement but have not done so.

*a parent or the parents of the youth have entered into a family responsibility agreement but have not complied with its terms.

*the youth has been charged with an offence or has breached a condition of bail.

[*Signed*]
Applicant

Date:

*Delete if not applicable.

FORM 15B

regulation 75(15B)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

FAMILY RESPONSIBILITY ORDER

In the matter of: *[name of youth]*
of *[address]*

The Youth Justice Court, under section 140J of the *Youth Justice Act 2005*, orders as follows:

**[name of parent]* to undertake *[description of counselling or therapy directed at helping the parent to overcome addictive, destructive or damaging behaviour]*.

**[name of parent]* to undertake *[description of counselling to provide guidance in the effective discharge of the parent's family responsibilities]*.

**[name of parent]* to join and participate in the activities of *[name of appropriate support group]*.

**[name of parent]* to undertake *[name of course or program of personal development]*.

**[name of parent]* to exercise proper care and supervision of the youth and, in particular, to take all reasonable steps to ensure:

- **the youth attends school*
- **the youth keeps away from, and avoids contact with, [name of persons]*
- **the youth keeps away from [name of places]*

**[details of other order imposing requirements relevant to the effective care and supervision of the youth]*.

[Signed]
Youth Judge

Date:

**Delete if not applicable.*

FORM 16

regulation 75(16)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

APPLICATION FOR RECONSIDERATION OF SENTENCE

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

I, [*name of applicant*]
of [*address*]

- *the *youth/*responsible adult named in an order made on [*date*]
at [*place*]
- *on behalf of the youth named in an order made on [*date*]
at [*place*]

apply to the Youth Justice Court at [*place*] for a
reconsideration under section 141 of the *Youth Justice Act 2005* of the order,
particulars of which are as follows: [*particulars of order*]

The grounds for reconsideration are as follows: [*particulars of grounds*]

[*Signed*]
Applicant

Date:

This application will be heard by the Youth Justice Court at [*place*]
on [*date*] at [*time*]

[*Signed*]
Registrar

Date:

**Delete if not applicable.*

Note

If you (the youth) fail to appear for the hearing of this application, a warrant may be issued for your arrest.

FORM 17

regulation 75(17)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

APPLICATION FOR REVIEW OF SENTENCING ORDER

In the matter of: [*name, sex and date of birth of youth*]
of [*address*]

I, [*name of applicant*]
of [*address*]

- *the youth named in the order mentioned below
- *on behalf of the youth named in the order mentioned below
- *the Commissioner of Correctional Services/*Chief Executive Officer
- *a prosecutor

apply to the Youth Justice Court at [*place*] for a review
under section 142 of the *Youth Justice Act 2005* of an order made on [*date*]
at [*place*], particulars of which are as follows:
[*particulars of the order*]

The grounds for review are as follows [*particulars of grounds*]

[*Signed*]
Applicant

Date:

This application will be heard by the Youth Justice Court at [*place*]
on [*date*] at [*time*]

[*Signed*]
Registrar

Date:

**Delete if not applicable.*

Note

If you (the youth) fail to appear for the hearing of this application, a warrant may be issued for your arrest.

FORM 18

regulation 75(18)

NORTHERN TERRITORY OF AUSTRALIA

Youth Justice Act 2005

AFFIDAVIT OF SERVICE

I, _____,
of _____,

*make oath and say/*affirm as follows:

- at [place] _____ on [date] _____ at
[time] _____ I served [name] of person
served] _____ with the following
documents: [description of documents]
- the method of service was as follows: [how served]
- copies of the documents served are attached and marked with the letter "A".

Made at [place] _____ on [date] _____

By [signature of deponent] _____

Witnessed by

Signature _____

Justice of the peace / commissioner for oaths

Name _____

Address or phone no. _____

**Delete if not applicable*

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Youth Justice Regulations (SL No. 25, 2006)***

Notified	26 July 2006
Commenced	1 August 2006 (r 2, s 2 <i>Youth Justice Act 2005</i> (Act No. 32, 2005) and <i>Gaz</i> G30, 26 July 2006, p 3)

Justice Legislation Amendment Act (No. 2) 2006 (Act No. 35, 2006)

Assent	3 November 2006
Commenced	3 November 2006

Statute Law Revision Act 2007 (Act No. 4, 2007)

Assent	8 March 2007
Commenced	8 March 2007

Youth Justice Amendment (Family Responsibility) Regulations 2008 (SL No. 15, 2008)

Notified	1 July 2008
Commenced	1 July 2008 (r 3)

Youth Justice Amendment (Family Responsibility) Regulations (No. 2) 2008 (SL No. 35, 2008)

Notified	9 December 2008
Commenced	9 December 2008

Ombudsman Act 2009 (Act No. 5, 2009)

Assent	12 March 2009
Commenced	1 July 2009 (<i>Gaz</i> G21, 27 May 2009, p 5)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and <i>Gaz</i> G7, 16 February 2011, p 4)

Criminal Code Amendment (Criminal Damage) Act 2011 (Act No. 5, 2011)

Assent 16 March 2011
Commenced 1 June 2011 (*Gaz S19*, 4 May 2011)

Care and Protection of Children (Children's Commissioner) Amendment Act 2011 (Act No. 9, 2011)

Assent date 18 April 2011
Commenced 1 July 2011 (*Gaz S32*, 20 June 2011)

Health Practitioner (National Uniform Legislation) Implementation Act 2012 (Act No. 17, 2012)

Assent date 22 May 2012
Commenced 1 July 2012 (s 2)

Children's Commissioner Act 2013 (Act No. 33, 2013)

Assent date 18 December 2013
Commenced 1 January 2014 (*Gaz S72*, 23 December 2013)

Correctional Services (Related and Consequential Amendments) Act 2014 (Act No. 27, 2014)

Assent date 4 September 2014
Commenced 9 September 2014 (*Gaz S80*, 9 September 2014, p 2)

Local Court (Repeals and Related Amendments) Act 2016 (Act No. 9, 2016)

Assent date 6 April 2016
Commenced 1 May 2016 (*Gaz S34*, 29 April 2016)

Justice Legislation Amendment (Drug Offences) Act 2016 (Act No. 17, 2016)

Assent date 8 June 2016
Commenced s 17 (to ext ins new s 15): 10 October 2016;
rem: 18 July 2016 (*Gaz S67*, 18 July 2016)

Youth Justice Legislation Amendment Act 2016 (Act No. 36, 2016)

Assent date 20 December 2016
Commenced 1 March 2017 (*Gaz G9*, 1 March 2017, p 15)

Youth Justice Legislation Amendment Act 2017 (Act No. 19, 2017)

Assent date 30 October 2017
Commenced 5 January 2018 (*Gaz G51*, 20 December 2017, p 4)

Youth Justice Legislation Amendment Act 2018 (Act No. 12, 2018)

Assent date 23 May 2018
Commenced 24 May 2018 (s 2)

Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018 (Act No. 28, 2018)

Assent date 30 November 2018
Commenced 1 December 2018 (s 2)

Youth Justice and Related Legislation Amendment Act 2019 (Act No. 32, 2019)

Assent date 9 October 2019
Commenced 2 March 2020 (*Gaz G5*, 5 February 2020, p 2)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 3, 4, 28, 28AA, 28AE, 29 and 66 and sch 1 and 2.

4**LIST OF AMENDMENTS**

r 2A	ins Act No. 19, 2017, s 13
r 3	amd Act No. 4, 2007, s 2; Act No. 5, 2011, s 10; Act No. 17, 2016, s 46 sub Act No. 32, 2019, s 44
r 3A	ins Act No. 32, 2019, s 44
rr 6 – 7	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
r 9	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
rr 12 – 14	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
rr 25 – 26	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
r 28	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
pt 4AA hdg	ins Act No. 19, 2017, s 14
pt 4AA	
div 1 hdg	ins Act No. 19, 2017, s 14
rr 28AA – 28AC	ins Act No. 19, 2017, s 14
pt 4AA	
div 2 hdg	ins Act No. 19, 2017, s 14
rr 28AD – 28AF	ins Act No. 19, 2017, s 14
pt 4AA	
div 3 hdg	ins Act No. 19, 2017, s 14
r 28AG	ins Act No. 19, 2017, s 14
pt 4A hdg	ins No. 15, 2008, r 4
r 28A	ins No. 15, 2008, r 4
r 29	amd Act No. 5, 2009, 179
r 30	amd Act No. 27, 2014, s 57; Act No. 36, 2016, s 8; Act No. 19, 2017, s 15
r 31	amd Act No. 32, 2019, s 45
r 32	amd Act No. 27, 2014, s 57; Act No. 9, s 160; Act No. 19, 2017, s 15; Act No. 28, 2018, s 25
r 37	amd Act No. 27, 2014, s 57
r 38	amd Act No. , 2018, s 25
r 42	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15; Act No. 12, 2018, s 21
r 52	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
rr 54 – 55	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15
r 57	amd Act No. 17, 2012, s 55; Act No. 28, 2018, s 25
r 66	amd Act No. 9, 2011, s 27; Act No. 33, 2013, s 82
rr 70 – 71	rep Act No. 12, 2018, s 22
r 72	amd Act No. 27, 2014, s 57; Act No. 19, 2017, s 15 sub Act No. 12, 2018, s 22
r 73	amd Act No. 27, 2014, s 57 sub Act No. 12, 2018, s 22 amd Act No. 32, 2019, s 46
r 75	amd No. 15, 2008, r 5
sch 1	ins No. 15, 2008, r 6 sub No. 35, 2008, r 3
sch hdg	sub No. 15, 2008, r 7
sch 2	amd Act No. 35, 2006, s 49; No. 15, 2008, r 7; Act No. 27, 2014, s 57; Act No. 9, s 160; Act No. 19, 2017, s 15