

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF COMMUNITY WELFARE REGULATIONS

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Regulations 2004, No. 8

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# NORTHERN TERRITORY OF AUSTRALIA

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Regulations 2004, No. 8\*

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## **Regulations under the *Community Welfare Act***

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Community Welfare Act*.

Dated 29 March 2004.

E. J. EGAN  
Administrator

By His Honour's Command

CLARE MARTIN  
Chief Minister acting for and on behalf of the  
Minister for Family and Community Services

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\* Notified in the *Northern Territory Government Gazette* on 31 March 2004.

## **AMENDMENTS OF COMMUNITY WELFARE REGULATIONS**

### **1. Principal Regulations**

The Community Welfare Regulations are in these Regulations referred to as the Principal Regulations.

### **2. Orders and directions**

Regulation 8 of the Principal Regulations is amended by omitting "under or referred to in sections 35(3), 39(3), 41, 43(4), 43(5), 44, 45, 46, 47, 48, 49(1), 49(3) or 61(1)" and substituting "by the Family Matters Court under Part VI, VII or VIIA".

### **3. New regulation**

The Principal Regulations are amended by inserting after regulation 12 the following:

#### **"12A. Warrants under section 50C of Act**

"(1) An application under section 50C of the Act for a warrant to apprehend and return a child who is out of the Territory without the Minister's consent must be in accordance with Form 9A.

"(2) A warrant referred to in subregulation (1) that is issued to an officer of a police force of a State or another Territory, to the Sheriff or a Sheriff's officer of a State or another Territory or to a member or special member of the Australian Federal Police must be in accordance with Form 9B."

### **4. New regulations**

The Principal Regulations are amended by inserting after regulation 14 the following:

#### **"14A. Form of consent to transfer of home order**

"A person who consents, or refuses to consent, to the transfer of a home order under section 62E of the Act must do so in a form that is in accordance with Form 11A.

#### **"14B. Notice of Minister's decision to transfer home order to State**

"Notice under section 62F of the Act of the Minister's decision to transfer a home order to a State must be in accordance with Form 11B.

#### **"14C. Application for review of decision to transfer home order**

"An application under section 62G of the Act for review of the Minister's decision to transfer a home order must be in accordance with Form 11C.

**"14D. Application under section 62H or 62M of Act to transfer home order or child protection proceeding from Territory**

"An application to the Family Matters Court under section 62H or 62M of the Act must be in accordance with Form 11D.

**"14E. Application under section 62W of Act to register interstate order or proceeding transferred to Territory**

"A copy of an interstate order filed for registration under section 62W of the Act must be accompanied by an application in accordance with Form 11E.

**"14F. Application for revocation of registration of interstate order**

"An application to the Family Matters Court under section 62Y of the Act for the revocation of the registration of an interstate order must be in accordance with Form 11F.

**"14G. Notification of registration of interstate order transferred to Territory**

"Notification by a Clerk under section 62Z(1) of the Act of the registration of an interstate order must be in accordance with Form 11G.

**"14H. Notification of revocation of registration of interstate order**

"Notification by a Clerk under section 62Z(2) of the Act of the revocation of the registration of an interstate order must be in accordance with Form 11H."

**5. New regulation**

The Principal Regulations are amended by inserting after regulation 16 the following:

**"17. Filing of applications**

"An application under the Act must be filed in the Registry of the Court by filing the application and a copy of it for each party to the application."

**6. Schedule**

The Schedule to the Principal Regulations is amended –

- (a) by omitting from Form 5 "Section 35(3), 39(3), 41(1), 43(4), 43(5), 44, 45, 46, 47, 48, 49(1), 49(3) or 61(1)" and substituting "Part VI, VII or VIIA";
- (b) by inserting after Form 9 the following:

Community Welfare Regulations

"FORM 9A

Regulation 12A(1)

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 50C

APPLICATION FOR WARRANT TO APPREHEND AND RETURN CHILD WHO IS OUT OF TERRITORY WITHOUT MINISTER'S CONSENT

FAMILY MATTERS COURT  
AT

MINISTER FOR FAMILY AND COMMUNITY SERVICES

Applicant

AND

(Name of child)

(DOB)

Protected Child

I, [name], the Minister for Family and Community Services/the delegate of the Minister for Family and Community Services\*, state that [name and DOB of child] of [address] under a child protection order dated [date] is outside the Territory without my consent. I therefore apply for a warrant to apprehend and return the child to the Territory.

(particulars of application)

Sworn before me [name] at [place]  
on [date] .

Signature of person before whom oath taken:

Signature of applicant:

\_\_\_\_\_

This application is to be heard on ....., at ..... am/pm\*,  
at ..... in the Northern Territory.

Dated 20 .

.....  
Magistrate/Registrar\*

\*Delete where inapplicable

\_\_\_\_\_

Community Welfare Regulations

FORM 9B

Regulation 12A(2)

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 50C

INTERSTATE WARRANT

TO: ....., an officer of the police force of [State or Territory] of Australia/the Sheriff or a Sheriff's officer of [State or Territory]/a member or special member of the Australian Federal Police\*.

WHEREAS The Minister for Family and Community Services of the Northern Territory of Australia, having the guardianship, custody or supervision of

....., [Child's name and DOB]

of ..... [Child's last known address]

under a Child Protection Order dated .....

You are therefore commanded to apprehend the said ..... and return him/her\* to the care of the Minister for Family and Community Services of the Northern Territory of Australia or a delegate of the Minister.

Dated 20 in the Territory.

..... Magistrate/Registrar\*

\*Delete where inapplicable

\_\_\_\_\_ "; and

*Community Welfare Regulations*

(c) by inserting after Form 11 the following:

"FORM 11A

Regulation 14A

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 62E

CONSENT/REFUSAL TO CONSENT\* TO TRANSFER HOME ORDER

Name and address of child:

I, [*name of parent or person who has access to the child under the home order*],  
consent/do not consent\* to the transfer of the following order:

[*Details of order*]

I have been informed of the effect of consenting to the transfer and of the effect of refusing to consent to the transfer, including the Minister's right to apply to the Court for an order for the transfer of the home order, the right of review under section 62G of the *Community Welfare Act* and the right of appeal to the Supreme Court under section 62S of that Act.

(signature)

(print name)

Date: 20 .

Witnessed by

(signature)

(print name)

Date: 20 .

\*Delete where inapplicable

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*Community Welfare Regulations*

FORM 11B

Regulation 14B

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 62F

NOTICE OF MINISTER'S DECISION TO TRANSFER HOME ORDER  
INTERSTATE UNDER PART VIIA

[*name of person to whom notice is being given*]

You are hereby advised that, in accordance with Part VIIA of *the Community Welfare Act*, the Minister for Family and Community Services has made the decision to transfer the following home order:

which applies to: [Name, DOB and address of child]

to: [State/Territory/New Zealand]

Under section 62G of the *Community Welfare Act* you may apply, within 10 working days after the date of the notice, to the Family Matters Court for review of the Minister's decision to transfer the home order. Under section 62S of the *Community Welfare Act* there is also a right of appeal to the Supreme Court.

Signed:

Dated 20 .

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Community Welfare Regulations

FORM 11C

Regulation 14C

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 62G

APPLICATION FOR REVIEW OF DECISION TO  
TRANSFER HOME ORDER

FAMILY MATTERS COURT  
AT

[*person given notice under section 62F*]

Applicant

AND

MINISTER FOR FAMILY AND COMMUNITY SERVICES

Respondent

The applicant, ....., of .....,  
being ....., applies for the review of the Minister's  
decision to transfer the following home order, dated [*date*], to  
[*State/Territory/New Zealand*] made pursuant to section 62C of the *Community  
Welfare Act*.

Details of Order: [*Child's Name and DOB, Details of transfer*]

Dated 20 .

.....  
Applicant

\_\_\_\_\_

This application is to be heard on ....., at ..... am/pm\*,  
at ..... in the Northern Territory.

Dated 20 .

.....  
Magistrate/Registrar\*

\*Delete where inapplicable

\_\_\_\_\_

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 62H or 62M

APPLICATION TO FAMILY MATTERS COURT FOR  
TRANSFER OF ORDER/PROCEEDING\*

FAMILY MATTERS COURT  
AT

THE MINISTER FOR FAMILY AND COMMUNITY SERVICES

Applicant

AND

(name of child)

(DOB)

Protected Child

I, [name], the Minister for Family and Community Services/the delegate of the Minister for Family and Community Services\*, state that [name and date of birth of child] of [address] is under a child protection order dated [date].

The circumstances have changed since the order/proceedings sought to be transferred was commenced. See attached Court Report at Attachment A/Court Report to be provided prior to Hearing [State Particulars]\*.

I therefore apply for the order/proceeding\* to be transferred to [State/Territory/New Zealand], pursuant to section 62H/62M\* of the Community Welfare Act.

I hereby state that I am entitled to make the application pursuant to section 62H/62M\* of the Community Welfare Act and that the interstate officer of [State/Territory/New Zealand] has consented to the transfer. See Attachment B.

If the Court makes an order for the transfer of the proceeding pursuant to section 62Q, I apply for the following interim order pursuant to section 62R\*:

Sworn before me [name] at [place] on [date]

.....

Signature of person before whom oath taken

.....

Signature of Applicant

*Community Welfare Regulations*

This application pursuant to section 62H/62M\* is to be heard on ....., at ..... am/pm\*, at ..... in the Northern Territory.

Dated 20 .

This application pursuant to section 62R is to be heard on ....., at ..... am/pm\*, at ..... in the Northern Territory.\*

Dated 20 .

.....  
Magistrate/Registrar\*

\*Delete where inapplicable

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Attachment A: Court Report  
Attachment B: Interstate Officer's Consent

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Community Welfare Regulations

FORM 11E

Regulation 14E

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 62W

APPLICATION TO REGISTER INTERSTATE ORDER/PROCEEDING\*  
TRANSFERRED TO TERRITORY

I, [name], the Minister for Family and Community Services/the delegate of the Minister for Family and Community Services\*, hereby file a copy of the interstate order in the Family Matters Court for registration of an interstate order/proceeding\* transferred to the Northern Territory of Australia pursuant to section 62W of the *Community Welfare Act*.

A copy of the transferred order/proceeding\* for [child's name, DOB] is attached. This order/proceeding\* is current and is not subject or liable to be subject to appeal, review or stay.

Pursuant to section 62W of *Community Welfare Act*, application is made for registration of the transferred order as an order under section 43(5)(a), (b), (c) or (d)\*/Part VI\* of that Act.\*

OR

Pursuant to section 62W of the *Community Welfare Act*, application is made for registration of the transferred proceeding as a proceeding under Part VI of that Act.\*

Dated 20 .

.....  
Applicant

\*Delete where inapplicable

\_\_\_\_\_

Community Welfare Regulations

FORM 11F

Regulation 14F

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 62Y

APPLICATION FOR REVOCATION OF REGISTRATION OF INTERSTATE ORDER/PROCEEDING\* TRANSFERRED TO TERRITORY

FAMILY MATTERS COURT  
AT

Applicant

AND

Respondent

The applicant, ....., of .....,  
being ....., pursuant to section 62Y of the *Community Welfare Act*, applies for the revocation of the registration in the Territory of the following interstate order:

[child's name, address, DOB/Details of Order/Date of registration in the Territory] [attach interstate order]

Dated 20 .

.....  
Applicant

This application is to be heard on .....,  
at ..... am/pm\* at ..... in the Northern Territory.

Dated 20 .

.....  
Magistrate/Registrar\*

\*Delete where inapplicable

\_\_\_\_\_

*Community Welfare Regulations*

FORM 11G

Regulation 14G

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 62Z(1)

NOTICE OF REGISTRATION OF INTERSTATE ORDER/PROCEEDING\*  
TRANSFERRED TO TERRITORY

Name, DOB and address of child:

The attached transferred order was registered in the Family Matters Court and may be dealt with under the *Community Welfare Act* or any other law of the Territory as if it were an order under section 43(5)(a), (b), (c) or (d)/Part VI\* of the *Community Welfare Act*. [*attach copy of transferred order*]

OR

The attached transferred proceeding was registered in the Family Matters Court as a proceeding under Part VI of the *Community Welfare Act* that is commenced in the Family Matters Court on this day of registration.\* [*attach documents files in Family Matters Court in relation to transferred proceeding*]

Dated 20 .

.....  
Clerk of the Family Matters Court

\*Delete where inapplicable

\_\_\_\_\_

Community Welfare Regulations

FORM 11H

Regulation 14H

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 62Z(2)

NOTICE OF REVOCATION OF REGISTRATION OF INTERSTATE ORDER/PROCEEDING\* TRANSFERRED TO TERRITORY

To: [Court in State/Territory/New Zealand]

Name, DOB and address of child:

The following interstate order was registered in the Family Matters Court of the Northern Territory on [date]. This registration was revoked pursuant to section 62Y of the Community Welfare Act on [date].

Details of Order:

All documents filed in the Family Matters Court of the Northern Territory in relation to the registration of the interstate order are being returned pursuant to section 62Z(2)(b) of the Community Welfare Act.

Dated 20 .

.....  
Clerk of the Family Matters Court

\*Delete where inapplicable

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\_\_\_\_\_  
\_\_\_\_\_