

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF COMMUNITY WELFARE REGULATIONS

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Regulations 1999, No. 40

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## NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1999, No. 40\*

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### Regulations under the *Community Welfare Act*

I, NEIL RAYMOND CONN, 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 17 December 1999.

N. R. CONN  
Administrator

By His Honour's Command

S. DUNHAM  
Minister for Health, Family and Children's Services

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\* Notified in the *Northern Territory Government Gazette* on 22 December 1999.

*Community Welfare Regulations*

**AMENDMENTS OF COMMUNITY WELFARE REGULATIONS**

**1. Principal Regulations**

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

**2. Commencement**

These Regulations come into operation on the commencement of the *Community Welfare Amendment Act 1999*.

**3. Repeal and substitution**

Regulations 4 and 5 of the Principal Regulations are repealed and the following substituted:

**"4. Application for holding order in person or in writing**

"An application under section 11A of the Act that is made in person or by facsimile, electronic mail or writing may be in accordance with Part A of Form 1.

**"5. Written record of application for holding order**

"The written record required under section 11A(4) of the Act to be kept of an application under section 11 or 15 of the Act that is made by telephone, radio, audiolink or other facility (other than by facsimile, electronic mail or in writing) may be kept in accordance with Part A of Form 2.

**"5A. Form of holding order**

"(1) An order under section 11A(2) of the Act may, if the application for the order was made in person, by facsimile, electronic mail or writing, be in accordance with Part B of Form 1.

"(2) An order under section 11A(2) of the Act may, if the application for the order was made by telephone, radio or other facility (other than by facsimile, electronic mail or writing), be in accordance with Part B of Form 2."

**4. Orders and directions**

Regulation 8 of the Principal Regulations is amended by inserting "41," after "39(3),".

*Community Welfare Regulations*

**5. Schedule**

The Schedule to the Principal Regulations is amended –

(a) by omitting Forms 1 and 2 and substituting Forms 1 and 2 in the Schedule to these Regulations;

(b) by omitting from Form 3 "Justice of the Peace" and substituting the following:

"Magistrate/Registrar"

\*Delete where inapplicable";

(c) by omitting from Form 4 "Justice of the Peace" (twice occurring) and substituting "Magistrate/Registrar" ;

(d) by inserting in Form 5 "41(1)," after "39(3),";

(e) by omitting from Form 5 "Justice of the Peace" and substituting the following:

"Magistrate/Registrar"

\* Delete where inapplicable";

(f) by omitting from Forms 6 and 7 "Justice of the Peace" and substituting "Magistrate/Registrar";

(g) by omitting from Form 9 "Justice of the Peace" and substituting the following:

"Magistrate/Registrar"

\*Delete where inapplicable";

(h) by omitting from Forms 10 and 11 "Justice of the Peace" and substituting "Magistrate/Registrar"; and

(j) by omitting from Form 12 "Justice of the Peace" and substituting the following:

"Justice of the Peace/Commissioner for Oaths"

\*Delete where inapplicable".

Community Welfare Regulations

SCHEDULE

FORM 1

Regulation 4 or 5A

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 11 or 15

APPLICATION FOR HOLDING ORDER AND HOLDING ORDER

PART A – APPLICATION IN PERSON OR IN WRITING FOR  
HOLDING ORDER

I, [name], an authorised person/a delegate of the Minister/a member of the Police Force/a person in charge of a hospital\* state that [name and date of birth of child] of [address] is in need of care and that it is necessary for the adequate care of him/her\* that he/she\* be taken into custody. I therefore apply for a holding order on the following grounds:

Sworn before me [name] at [place] on this ....day of [month] , [year].

.....  
Signature of person before whom oath taken\*\*

.....  
Signature of applicant\*\*

PART B

I, [name], a Magistrate/Registrar\* of the Local Court am/am not\* satisfied on the oath of the applicant that there are reasonable grounds for believing that the child is in need of care and that a holding order is required.

I have formed my opinion on the following grounds:

This application is made to me in person on this ..... day of [month] of [year].

Community Welfare Regulations

ORDER

I make the following order/orders\* under section 11A of the *Community Welfare Act*:

An order authorising the holding of [*name of child*] in a place of safety for a period beginning on the day on which he/she\* was taken into custody or detained under section 11 or 15 of the Act, until –

- (a) the ..... day of [*month*] of [*year*] [*a day less than 14 days after this order begins*]; or
- (b) 14 days after he/she\* was taken into custody or detained under section 11 or 15 of the Act.\*

Dated this..... day of [*month*] of [*year*]

.....  
Magistrate/Registrar\*

\* Delete where inapplicable

\*\* If application is made by a facility that cannot display a signature, fill in name instead.

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FORM 2

Regulation 5 or 5A

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 11A

WRITTEN RECORD OF APPLICATION FOR HOLDING ORDER AND  
HOLDING ORDER

PART A – WRITTEN RECORD OF APPLICATION FOR HOLDING ORDER  
OTHER THAN IN PERSON OR WRITING

The applicant [*name*], an authorised person/a delegate of the Minister/a member of the Police Force/a person in charge of a hospital\* has stated, on an oath taken before [*name of person administering oath to applicant*] to me, [*name*], a Magistrate/Registrar of the Local Court \* today, this ..... day of [*month*] of [*year*] that [*name of child*] of [*address*], [*date of birth*] is in need of care and it is

*Community Welfare Regulations*

necessary for the adequate care of him/her\* that he/she\* be held in a place of safety.

The following information was provided to me by the applicant on oath:

PART B

I am/am not\* satisfied on the oath of the applicant that there are reasonable grounds for believing that the child is in need of care and that a holding order is required. I have formed my opinion on the following grounds:

This application is made to me by telephone, radio, facsimile/other facility\* on this ..... day of [month] of [year]

ORDER

I make the following order/orders\* under section 11A of the *Community Welfare Act*:

An order authorising the holding of [name] in a place of safety for a period beginning on the day on which he/she\* was taken into custody or detained under section 11 or 15 of the Act, until –

- (a) the ..... day of [month] of [year] [ a day less than 14 days after this order begins]; OR
- (b) 14 days after he/she\* was taken into custody or detained under section 11 or 15 of the Act.\*

Dated this..... day of [month] of [year]

.....  
Magistrate/Registrar\*

\* Delete where inapplicable".

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