

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1984, No. 15\*

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Regulations under the *Community Welfare Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Community Welfare Act*.

Dated this twenty-ninth day of March, 1984.

E.E. JOHNSTON  
Administrator

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COMMUNITY WELFARE REGULATIONS

1. CITATION

These Regulations may be cited as the Community Welfare Regulations.

2. COMMENCEMENT

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

3. FORMS

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

4. APPLICATION FOR HOLDING ORDER

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

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\* Notified in the *Northern Territory Government Gazette* on 30 March, 1984.

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*Community Welfare Regulations*

5. HOLDING ORDER

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

6. APPLICATION FOR ORDER THAT CHILD IN NEED OF CARE

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

7. WARRANT TO BRING PARENTS, &c., BEFORE COURT

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

8. ORDERS AND DIRECTIONS

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

9. APPLICATION FOR VARIATION OF ORDER UNDER SECTION 43

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

10. NOTICE OF PROPOSED, REVIEW, &c., OF ORDER

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

11. APPEAL AGAINST ORDER TO SUPREME COURT

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

12. APPLICATION UNDER PART VI OR SECTION 60

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

13. DIRECTION UNDER SECTION 60(1)

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

14. APPLICATION UNDER SECTION 61(1)

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

*Community Welfare Regulations*

15. AFFIDAVIT OF SERVICE

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

16. AGREEMENT UNDER SECTION 79(1)

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

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SCHEDULE

Regulation 4

FORM 1

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 11(3) or 15

APPLICATION FOR HOLDING ORDER

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

The applicant, .....,  
of .....,  
states this ..... day of ..... 19...., before  
the undersigned, a Justice of the Peace for the Northern  
Territory of Australia, upon oath/affirmation\*, that  
.....,  
(name of child)

of.....,  
is in need of care and it is necessary for the adequate  
care of the said child for him/her\* to be taken into  
custody.

(Particulars of application)

The applicant, therefore, applies for a holding order.

*Community Welfare Regulations*

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

.....  
Applicant

.....  
Justice of the Peace

\*Delete where inapplicable.

FORM 2

Regulation 5

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 11(4)

HOLDING ORDER

Name of child:

I, .....,  
of .....,  
being a Justice of the Peace of the Northern Territory of Australia, authorize that .....  
(name of child)  
be held in a place of safety for ..... days.

Dated this ..... day of ....., 19...

.....  
Justice of the Peace



*Community Welfare Regulations*

FORM 4

Regulation 7

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 37(2)

WARRANT

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

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

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

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

.....  
Justice of the Peace

\*Delete where inapplicable.

*Community Welfare Regulations*

FORM 5

Regulation 8

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

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

ORDER/DIRECTION

Name of child:

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

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Community Welfare Regulations

FORM 6

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 48(1)

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

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

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

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

Dated this ..... day of ....., 19...

.....  
Applicant

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

\*Delete where inapplicable.



*Community Welfare Regulations*

FORM 7

Regulation 10

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 49(4)

NOTICE OF PROPOSED REVIEW OF ORDER

Name and address of child:

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

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

\*Delete where inapplicable.

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*Community Welfare Regulations*

FORM 8

Regulation 11

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 50(1)

NOTICE OF APPEAL

Applicant's name and address:    Name and address of child:

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

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

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

And take notice that the grounds of such appeal are:

Dated this ..... day of ....., 19...

.....  
Appellant

\_\_\_\_\_

Community Welfare Regulations

FORM 9

Regulation 12

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Part VI or section 60

APPLICATION FOR DIRECTIONS

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

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

Dated this ..... day of ....., 19...

.....  
Applicant

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

*Community Welfare Regulations*

FORM 10

Regulation 13

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 60(1)

DIRECTION TO MINISTER

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

\*Delete where inapplicable.

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Community Welfare Regulations

FORM 11

Regulation 14

NORTHERN TERRITORY OF AUSTRALIA

Community Welfare Act

Section 61(1)

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

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

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

.....  
Applicant

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

Dated this ..... day of ....., 19...

.....  
Justice of the Peace

*Community Welfare Regulations*

FORM 12

Regulation 15

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

AFFIDAVIT OF SERVICE

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

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

(Here give details of service)

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

.....  
Justice of the Peace

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*Community Welfare Regulations*

FORM 13

Regulation 16

NORTHERN TERRITORY OF AUSTRALIA

*Community Welfare Act*

Section 79(1)

AGREEMENT

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

being the father/mother/guardian(s)/custodian(s)\* of  
.....  
(full name of child)

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

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

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

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

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

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

*Community Welfare Regulations*

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

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

Dated this ..... day of ....., 19...

Signature: .....

.....

Witness: .....

\*Delete where inapplicable.

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