

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

# Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

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(As presented)

(Attorney-General)

# Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

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## A Bill for

An Act to amend legislation about the age of criminal responsibility, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice (Age of Criminal Responsibility) Legislation*  
4 *Amendment Act 2023*.

5 **2 Commencement**

6 (1) This Act (other than the provisions mentioned in subsection (2))  
7 commences on the 7th day after its notification day.

8 *Note* The naming and commencement provisions automatically commence on  
9 the notification day (see [Legislation Act](#), s 75 (1)).

10 (2) The following provisions commence on 1 July 2025:

- 11 • section 56
- 12 • section 58
- 13 • section 92
- 14 • section 94
- 15 • section 96
- 16 • section 98
- 17 • section 100
- 18 • section 102
- 19 • section 104
- 20 • section 106
- 21 • section 108
- 22 • section 110
- 23 • section 112
- 24 • section 116
- 25 • section 118
- 26 • section 120

- 1           • section 130  
2           • section 131.

3       **3       Legislation amended**

4           This Act amends the legislation mentioned in parts 2 to 11 and  
5           schedule 1.

6       **4       Legislation repealed**

7           The *Crimes (Restorative Justice) Phase 3 Declaration 2018*  
8           (NI2018-601) is repealed.

1 **Part 2** **Children and Young People**  
2 **Act 2008**

3 **5 Director-general's functions**  
4 **New section 22 (1) (ea) and (eb)**

5 *insert*

- 6 (ea) providing, or assisting in providing, services for the safety and  
7 wellbeing of children and young people;
- 8 (eb) providing, or assisting in providing, services for the safety and  
9 wellbeing of children and young people who carry out, or are at  
10 risk of carrying out, harmful conduct;

11 **6 New section 22 (1) (ga) to (gc)**

12 *insert*

- 13 (ga) providing, or assisting in providing, services for—
- 14 (i) children and young people being dealt with by a police  
15 officer or held in police custody, whether or not charges  
16 can be or have been laid against them; and
- 17 (ii) young people being dealt with under the criminal law  
18 system;
- 19 (gb) providing, or assisting in providing, services for—
- 20 (i) adults under 21 years old (***young adults***) being dealt with  
21 by a police officer or held in police custody for an offence  
22 committed or allegedly committed by them when under  
23 18 years old (a ***youth offence***), whether or not charges can  
24 be or have been laid against them for the youth offence;  
25 and
- 26 (ii) young adults being dealt with under the criminal law  
27 system for youth offences;

- 1 (gc) providing, or assisting in providing—
- 2 (i) supervision or reasonable direction of a person who is
- 3 required, under a condition of the person’s bail, to accept
- 4 supervision or reasonable direction by the
- 5 director-general; or
- 6 (ii) support or assistance that the director-general is required
- 7 to provide in relation to a condition of a person’s bail;

8 **7 Age—care and protection chapters stop applying if**

9 **person discovered to be adult**

10 **Section 339 (4) (b)**

11 *substitute*

- 12 (b) is being confined at an intensive therapy place under an
- 13 intensive therapy order—the person must be released.

14 **8 Care and protection chapters stop applying when young**

15 **person becomes adult**

16 **Section 340 (3)**

17 *substitute*

- 18 (3) A young person confined at an intensive therapy place under an
- 19 intensive therapy order must be released immediately the young
- 20 person becomes an adult.

21 **9 When are children and young people *in need of***

22 ***emergency therapeutic protection?***

23 **Section 404**

24 *omit*

**10**      **New chapter 14A***insert***Chapter 14A**      **Care and protection—  
therapeutic support panel for  
children and young people****Part 14A.1**      **Preliminary****501A**      **Definitions—ch 14A**

(1) In this chapter:

*referral*, of a child or young person by a referring entity, means a request for the therapeutic support panel to evaluate the therapeutic needs of the child or young person.

*referring entity*, for referrals of a child or young person, means any of the following:

- (a) the chief police officer;
- (b) a territory entity;
- (c) an ACT education provider;
- (d) a health facility;
- (e) a health practitioner;
- (f) a judge or magistrate;
- (g) an ACAT member;
- (h) a registrar or deputy registrar of the Supreme Court, the Magistrates Court, the Childrens Court or the ACAT;
- (i) the Chief Executive Officer of ACT Courts and Tribunals;

- 1 (j) the human rights commission;
- 2 (k) the public advocate;
- 3 (l) the legal aid commission;
- 4 (m) a person who has daily care responsibility or long-term care
- 5 responsibility for the child or young person;
- 6 (n) an entity prescribed by regulation.
- 7 (2) In this section:
- 8 *ACAT member*—see the [ACT Civil and Administrative Tribunal](#)
- 9 [Act 2008](#), dictionary, definition of *tribunal member*.
- 10 *ACT education provider*—see section 25 (3).
- 11 *Chief Executive Officer of ACT Courts and Tribunals*—see the
- 12 [Court Procedures Act 2004](#), section 11A (1).
- 13 *territory entity*—see section 25 (3).

## 14 **Part 14A.2 Therapeutic Support Panel for**

## 15 **Children and Young People**

### 16 **501B Establishment of panel**

17 The Therapeutic Support Panel for Children and Young People is

18 established.

### 19 **501C Functions of panel**

- 20 (1) The therapeutic support panel has the following functions:
- 21 (a) receiving referrals of children and young people from a referring
- 22 entity;
- 23 (b) assessing the therapeutic needs of referred children and young
- 24 people;

- 1 (c) giving advice on appropriate therapeutic treatment and support  
2 for referred children and young people;
- 3 (d) coordinating therapeutic services for referred children and  
4 young people;
- 5 (e) recommending whether applications for an intensive therapy  
6 order should be made;
- 7 (f) assisting to develop therapy plans for referred children and  
8 young people;
- 9 (g) providing advice and assistance to the director-general in  
10 relation to—
- 11 (i) family group conference agreements; and
- 12 (ii) access to services for the care and support of children and  
13 young people; and
- 14 (iii) therapy transition plans; and
- 15 (iv) any other matter the panel considers necessary or  
16 appropriate;
- 17 (h) any other function—
- 18 (i) given to the panel under this Act or another territory law;  
19 or
- 20 (ii) prescribed by regulation.
- 21 *Note* A provision of a law that gives an entity a function also gives the entity  
22 powers necessary and convenient to exercise the function (see [Legislation](#)  
23 [Act](#), s 196).
- 24 (2) The panel is not subject to direction from anyone in relation to the  
25 exercise of its functions.
- 26 (3) However, the panel must comply with any guidelines made by the  
27 Minister under subsection (4).

1 (4) The Minister may, after consulting the chair of the panel, make  
2 guidelines about the principles and procedures to be followed by the  
3 panel when exercising its functions.

4 (5) A guideline is a notifiable instrument.

5 **501D Panel members**

6 The therapeutic support panel is made up of—

7 (a) the chair appointed under section 501F; and

8 (b) the other members appointed under section 501E.

9 **501E Appointment of panel members**

10 (1) The Minister must appoint at least 10, but not more than 12, members  
11 to the therapeutic support panel.

12 *Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

13 (2) The Minister may appoint a person as a member of the panel only if  
14 satisfied that the person—

15 (a) has qualifications, experience or expertise in 1 or more of the  
16 following:

17 (i) psychology;

18 (ii) paediatrics;

19 (iii) criminology;

20 (iv) education;

21 (v) working with Aboriginal and Torres Strait Islander  
22 children and young people;

23 (vi) social work;

24 (vii) mental health;

- 1 (viii) child protection;
- 2 (ix) disability; or
- 3 (b) has other qualifications, experience or expertise, or membership  
4 of an organisation, relevant to exercising the functions of a panel  
5 member; or
- 6 (c) is a police officer nominated by the chief police officer as an  
7 officer experienced in working with children and young people  
8 and families.
- 9 (3) The Minister must ensure that the panel membership represents a  
10 diversity of experience and expertise from the different areas  
11 mentioned in subsection (2).
- 12 (4) The Minister must appoint—
- 13 (a) at least 1 person to the panel to represent Aboriginal and Torres  
14 Strait Islander people; and
- 15 (b) at least 1 person to the panel who is an Aboriginal or Torres  
16 Strait Islander person.
- 17 (5) The Minister must not appoint someone to the panel unless satisfied  
18 that the person is suitable to be a member of the panel.
- 19 (6) In considering whether someone is suitable to be a member of the  
20 panel, the Minister—
- 21 (a) must consider relevant information of the kind mentioned in  
22 section 65 (1), definition of *suitability information*,  
23 paragraphs (a), (b) and (c) about the person; and
- 24 (b) may consider other suitability information about the person.
- 25 (7) The appointment of a member is for not longer than 4 years.
- 26 (8) The conditions of appointment of a member are the conditions stated  
27 in the appointment, subject to any determination under the  
28 *Remuneration Tribunal Act 1995*.

1    **501F     Appointment of chair of panel**

- 2           (1) The Minister must appoint a chair of the therapeutic support panel.
- 3           (2) The appointment of the chair is in addition to the appointments made  
4           under section 501E.
- 5           (3) The Minister must not appoint someone unless satisfied that the  
6           person—
- 7                 (a) has the expertise or experience to be the chair of the panel; and  
8                 (b) is otherwise suitable to be the chair.
- 9           (4) In considering whether someone is suitable to be a chair of the panel,  
10           the Minister—
- 11                 (a) must consider relevant information of the kind mentioned in  
12                 section 65 (1), definition of *suitability information*,  
13                 paragraphs (a), (b) and (c) about the person; and  
14                 (b) may consider other suitability information about the person.
- 15           (5) The appointment of the chair is for not longer than 5 years.
- 16           (6) The conditions of appointment of the chair are the conditions stated  
17           in the appointment, subject to any determination under the  
18           [Remuneration Tribunal Act 1995](#).

19    **501G     Functions of chair of panel**

- 20           (1) The chair of the therapeutic support panel has the following  
21           functions:
- 22                 (a) managing the matters before the panel;  
23                 (b) presiding at meetings of the panel;  
24                 (c) preparing therapy plans;  
25                 (d) informing the director-general about the operation of the panel;

1 (e) informing a territory entity about systemic issues that affect  
2 children and young people the subject of referrals.

3 (2) The chair of the panel must decide which members of the panel, based  
4 on expertise or experience, are required to deal with a matter that  
5 comes before the panel.

6 (3) In this section:

7 *territory entity*—see section 25 (3).

8 **501H Appointment of deputy chair of panel**

9 The Minister must appoint a deputy chair of the therapeutic support  
10 panel from the members appointed under section 501E.

11 **501I Functions of deputy chair of panel**

12 If the chair of the therapeutic support panel is absent or cannot for  
13 any reason exercise the functions of the chair, the deputy chair of the  
14 panel must act as the chair.

15 **501J Conduct of panel meetings**

16 (1) The therapeutic support panel may conduct its meetings as it  
17 considers appropriate.

18 (2) A meeting may be held using a method of communication, or a  
19 combination of methods of communication, that allows a member  
20 taking part to hear what each other member taking part says without  
21 the members being in each other's presence.

22 **Examples**

23 a phone link, a satellite link, an internet or intranet link

24 (3) A member who takes part in a meeting conducted under  
25 subsection (2) is taken to be present at the meeting.

26 (4) The panel must keep a record of its meetings.

1    **501K     Conflict of interest**

2           A member of the therapeutic support panel must take all reasonable  
3           steps to avoid being placed in a position where a conflict of interest  
4           arises during the exercise of the panel’s functions.

5    **501L     Ending member appointments**

6           The Minister may end the appointment of the chair, deputy chair or  
7           another member of the therapeutic support panel appointed under  
8           section 501E—

- 9           (a) for misbehaviour; or
- 10          (b) if the member is convicted, or found guilty, in Australia of an  
11           indictable offence; or
- 12          (c) if the member is convicted, or found guilty, outside Australia of  
13           an offence that, if it had been committed in the ACT, would be  
14           an indictable offence; or
- 15          (d) if the member is absent, otherwise than on approved leave, from  
16           3 consecutive meetings of the panel about a matter required to  
17           be dealt with by the member; or
- 18          (e) for physical or mental incapacity, if the incapacity substantially  
19           affects the exercise of the member’s functions.

20   **501M     Appointment of advisers**

- 21          (1) The Minister may, on the request of the therapeutic support panel,  
22           appoint a person as an adviser to the panel.

23           *Note*     For laws about appointments, see the [Legislation Act](#), pt 19.3.

- 24          (2) However, the Minister must not appoint someone unless satisfied that  
25           the person has the experience or expertise to exercise the functions of  
26           an adviser.

1 (3) An appointment may be subject to conditions stated in the  
2 appointment.

3 (4) An adviser must, on request of the therapeutic support panel, provide  
4 advice to the panel in relation to the panel's functions and otherwise  
5 in accordance with any conditions of appointment.

6 (5) The Minister may end the appointment of an adviser if the adviser  
7 breaches a condition of appointment.

8 **501N Director-general to give support to panel**

9 The director-general must provide administrative support and  
10 facilities for the therapeutic support panel.

11 **501O Arrangements for panel staff and facilities**

12 The therapeutic support panel may arrange with the head of service  
13 to use—

14 (a) the services of a public servant; or

15 (b) territory facilities.

16 *Note* The head of service may delegate powers in relation to the management  
17 of public servants to a public servant or another person (see *Public Sector*  
18 *Management Act 1994*, s 18).

19 **501P Power to obtain information from information sharing**  
20 **entity**

21 (1) The chair of the therapeutic support panel may, for the purpose of  
22 preparing a therapy plan for a child or young person, by written notice  
23 request an information sharing entity to give the chair safety and  
24 wellbeing information, produce a document or something else (the  
25 *requested information*) about the child or young person.

1 (2) An information sharing entity that receives a request under  
2 subsection (1) must not fail to comply with the request unless the  
3 entity does not have the requested information, or has a reasonable  
4 excuse for failing to comply.

5 **Example—reasonable excuse for failing to comply with request**

- 6 1 risk of compromising a criminal investigation  
7 2 risk to the safety or wellbeing of a person  
8 3 protecting the identity of a person disclosing confidential information

9 (3) On receipt of a request under subsection (1) an information sharing  
10 entity must promptly—

- 11 (a) comply with the request; or  
12 (b) tell the chair, in writing, the reason for failing to comply with  
13 the request.

14 (4) In this section:

15 *information* means information in any form.

16 **Examples**

- 17 1 a written document  
18 2 an electronic record

19 *information sharing entity* means an entity—

- 20 (a) mentioned in section 859 (1); or  
21 (b) prescribed by regulation.

22 *safety and wellbeing information*, in relation to a child or young  
23 person, means information that is relevant to the health, safety or  
24 wellbeing of the child or young person.

1 **Part 14A.3 Referrals to therapeutic support**  
2 **panel**

3 **501Q Referrals to therapeutic support panel**

- 4 (1) A referring entity may make a referral to the therapeutic support panel  
5 if the entity believes on reasonable grounds that a child or young  
6 person has a genuine need for therapeutic support services, and—  
7 (a) is at risk of harming themselves or someone else; or  
8 (b) has harmed themselves or someone else.  
9 (2) A referral must—  
10 (a) be in writing; and  
11 (b) include—  
12 (i) the name and contact details of the person making the  
13 referral on behalf of the referring entity; and  
14 (ii) the name and address of the referring entity; and  
15 (iii) the name and whereabouts (if known) of the child or young  
16 person the subject of the referral; and  
17 (iv) any other particulars prescribed by regulation; and  
18 (c) be given to the parent or person with daily care responsibility  
19 for the child or young person, but only if practicable and in the  
20 best interests of the child or young person; and  
21 (d) comply with any other requirements prescribed by regulation.  
22 (3) However, a referral may be made orally if the chair of the panel is  
23 satisfied on reasonable grounds that exceptional circumstances justify  
24 action without a written referral.

1                   **Examples—exceptional circumstances**

- 2                   1    Waiting until the referral is put in writing would make action in response to  
3                   the referral impossible or impractical.  
4                   2    Waiting until the referral is put in writing poses a risk to the life or health of a  
5                   child or young person.  
6                   (4) If a referral is made orally under subsection (3), the chair of the panel  
7                   must make a written record of the referral as soon as practicable.

8                   **501R    Panel to act on referrals**

- 9                   (1) This section applies if the therapeutic support panel receives a  
10                  referral.  
11                  (2) The chair of the panel—  
12                  (a) must consider the referral promptly; and  
13                  (b) must carry out an initial assessment of the matters raised in the  
14                  referral to decide whether the child or young person may be in  
15                  need of intensive therapy; and  
16                  (c) must take all reasonable steps to consult the child or young  
17                  person, and any parent or person with daily care responsibility  
18                  for the child or young person; and  
19                  (d) must take into account the views of a person consulted under  
20                  paragraph (c) unless it is not in the best interests of the child or  
21                  young person; and  
22                  (e) may take the action that the chair considers appropriate in  
23                  relation to the initial assessment or take no action.  
24                  (3) The chair of the panel may, at any stage after receiving a referral—  
25                  (a) take reasonable steps to obtain further information about the  
26                  matters raised in the referral including seeking information from  
27                  an information sharing entity; and

28                   **Example—reasonable steps**

29                   a home visit to interview family members

- 1 (b) ask a territory entity or an ACT education provider to provide  
2 assistance, facilities or services relevant to the physical or  
3 emotional wellbeing of the child or young person.
- 4 (4) A territory entity or a government school or school-related institution  
5 that receives a request under subsection (3) (b) must—
- 6 (a) comply with the request promptly; and  
7 (b) take reasonable steps to prioritise services needed to support the  
8 physical or emotional wellbeing of the child or young person.
- 9 (5) In this section:
- 10 *ACT education provider*—see section 25 (3).  
11 *information sharing entity* means an entity—  
12 (a) mentioned in section 859 (1); or  
13 (b) prescribed by regulation.  
14 *territory entity*—see section 25 (3).
- 15 **501S Panel must take into account harm statement**
- 16 (1) The therapeutic support panel must take into account a harm  
17 statement about the behaviour of a child or young person the subject  
18 of a referral if the statement is available to the panel.
- 19 (2) In this section:
- 20 *harm statement*—see the *Victims of Crimes Act 1994*,  
21 section 15CA (1).

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1 **Part 14A.4 Reporting by therapeutic support**  
2 **panel**

3 **501T Report to Minister**

- 4 (1) The therapeutic support panel may at any time prepare a report for the  
5 Minister on any matter arising in connection with the exercise of the  
6 panel's functions.
- 7 (2) The panel must give the report to the Minister and may also give the  
8 report to any other Minister who is responsible for a matter dealt with  
9 in the report.
- 10 (3) The panel must not include in the report any information that would—  
11 (a) disclose the identity of a child or young person; or  
12 (b) allow the identity of a child or young person to be worked out.
- 13 (4) The Minister must present the report to the Legislative Assembly  
14 within 6 sitting days after the report is given to the Minister.
- 15 (5) Each Minister who receives a report under subsection (2) must, within  
16 3 months after receiving it, give information to the therapeutic  
17 support panel about any action the Minister has taken, or will take, in  
18 relation to the matters raised in the report.

19 **11 Pt 15.3 applies to care and protection chapters**  
20 **Section 506 (2) and note**

21 *substitute*

- 22 (2) However, this part does not apply if daily care responsibility for a  
23 child or young person is transferred to the director-general—  
24 (a) under an intensive therapy order or an interim intensive therapy  
25 order; or

1 (b) because the child or young person has been confined at an  
2 intensive therapy place under section 531 (c) (Confinement only  
3 under intensive therapy order.

4 *Note* Intensive therapy orders are dealt with in pt 16.2. Interim intensive  
5 therapy orders are dealt with in div 16.2.3.

6 **12 Chapter 16**

7 *substitute*

8 **Chapter 16 Care and protection—intensive**  
9 **therapy for children and young**  
10 **people**

11 **Part 16.1 Preliminary**

12 **530 Definitions—Act and ch 16**

13 (1) In this Act:

14 *harmful conduct*, engaged in by a child or young person—see  
15 section 533.

16 *intensive therapy history*, for a child or young person—see  
17 section 537.

18 *intensive therapy order*, for a child or young person—see  
19 section 532.

20 *intensive therapy place*—see section 535.

21 *interim intensive therapy order*, for a child or young person—see  
22 section 543.

1            **mental disorder**—see the *Mental Health Act 2015*, section 9.

2            *Note*     The *Mental Health Act 2015*, s 9 defines **mental disorder** as a disturbance  
3            or defect, to a substantially disabling degree, of perceptual interpretation,  
4            comprehension, reasoning, learning, judgment, memory, motivation or  
5            emotion, other than a mental illness.

6            **mental illness**—see the *Mental Health Act 2015*, section 10.

7            *Note*     The *Mental Health Act 2015*, s 10 defines **mental illness** as a condition  
8            that seriously impairs (either temporarily or permanently) the mental  
9            functioning of a person in 1 or more areas of thought, mood, volition,  
10            perception, orientation or memory, and is characterised by—

11            (a)     the presence of at least 1 of the following symptoms:

12                    (i)        delusions;

13                    (ii)        hallucinations;

14                    (iii)        serious disorders of streams of thought;

15                    (iv)        serious disorders of thought form;

16                    (v)        serious disturbance of mood; or

17            (b)     sustained or repeated irrational behaviour that may be taken to  
18            indicate the presence of at least 1 of the symptoms mentioned in  
19            par (a).

20            (2) In this chapter:

21            **intensive therapy person** means—

22            (a)     for an intensive therapy place for which the director-general is  
23            the operating entity—an authorised person to whom the  
24            director-general has delegated functions of an intensive therapy  
25            person under this chapter; and

26            (b)     for any other intensive therapy place—a person that the  
27            operating entity has authorised to exercise the functions of an  
28            intensive therapy person under this chapter for the intensive  
29            therapy place.

30            **intensive therapy register**—see section 596 (1).

31            **therapy transition plan**—see section 538.

1            *risk assessment*, for a child or young person—see section 534 (1).  
2            *therapy plan*, for a child or young person for whom the  
3            director-general has applied for an intensive therapy order—see  
4            section 536.

5            **531            Confinement only under intensive therapy order**

6            The director-general may confine a child or young person at an  
7            intensive therapy place only—

- 8            (a) under an intensive therapy order; or  
9            (b) under an interim intensive therapy order.

10           **Part 16.2            Intensive therapy orders**

11            *Note*        Legal representation of young people is dealt with in the *Court*  
12            *Procedures Act 2004*, pt 7A (Procedural provisions—proceedings  
13            involving children or young people).

14           **Division 16.2.1            Definitions—Act and ch 16**

15           **532            What is an *intensive therapy order*?**

16            In this Act:

17            *intensive therapy order*, for a child or young person, means an order  
18            of the Childrens Court that—

- 19            (a) directs the child or young person to undergo either or both of the  
20            following:  
21                    (i) assessment of the child or young person’s behaviour and  
22                    needs;  
23                    (ii) treatment in accordance with a therapy plan; and

1 (b) may authorise the director-general to issue a direction  
2 (a *confinement direction*) that the child or young person be  
3 confined from time to time while the order is in force as the  
4 director-general considers reasonably necessary as a last resort  
5 for the purpose of the assessment or treatment; and

6 (c) if the order authorises the issue of a confinement direction—  
7 transfers daily care responsibility for the child or young person  
8 to the director-general for any period of confinement; and

9 *Note* Pt 15.3 (Director-general has daily care responsibility) does not  
10 apply if daily care responsibility for a child or young person is  
11 transferred to the director-general under an intensive therapy order  
12 (see s 506).

13 (d) includes any other conditions the court considers necessary to—

14 (i) prevent the child or young person from engaging in  
15 harmful conduct; and

16 (ii) ensure the child or young person undergoes any necessary  
17 treatment in accordance with a therapy plan.

18 *Note 1* The director-general or a police officer may apply to a magistrate for a  
19 safe custody warrant if an intensive therapy order or interim intensive  
20 therapy order is in force for a child or young person and the  
21 director-general or police officer believes on reasonable grounds that—

22 (a) someone has contravened the order and, because of the  
23 contravention, the child or young person is in danger; or

24 (b) the child or young person is absent without lawful authority or  
25 excuse from the intensive therapy place where the child or young  
26 person has been directed to be confined under the intensive therapy  
27 order (see s 685).

28 *Note 2* Parental responsibility may be transferred to someone else (see s 17) or  
29 shared between 2 or more people (see s 18) under a court order made  
30 under this Act or another law in force in the Territory.

1    **533        What is *harmful conduct*?**

2                In this Act:

3                *harmful conduct*, engaged in by a child or young person, means  
4                conduct that leads to a significant risk of significant harm to the child  
5                or young person or someone else.

6    **534        What is a *risk assessment*?**

7                (1) In this chapter:

8                *risk assessment*, for a child or young person, means an assessment by  
9                the director-general about whether—

10               (a) there will be a significant risk of significant harm to—

11                     (i) the child or young person; or

12                     (ii) someone else; and

13               (b) the risk of harm arises from the child or young person’s conduct;  
14               and

15               (c) the risk of harm will be imminent.

16               (2) The director-general may make risk assessment guidelines.

17               (3) A risk assessment guideline is a notifiable instrument.

18               (4) A risk assessment must be carried out in accordance with the risk  
19               assessment guidelines.

20    **535        What is an *intensive therapy place*?**

21                In this Act:

22                *intensive therapy place* means a place declared by the  
23                director-general under section 589 to be an intensive therapy place.

24                *Note*     Intensive therapy places are further dealt with in div 16.4.1.

- 1   **536**       **What is a *therapy plan*?**
- 2               In this Act:
- 3               ***therapy plan***, for a child or young person—
- 4               (a) means a plan to reduce the likelihood of the child or young  
5               person engaging in harmful conduct in the future arranged by  
6               the director-general in consultation, as far as is practicable,  
7               with—
- 8                     (i) the child or young person; and
- 9                     (ii) the parents of the child or young person; and
- 10                  (iii) each other person (if any) who has daily care responsibility  
11                  for the child or young person; and
- 12                  (iv) the chair of the therapeutic support panel; and
- 13                  (v) anyone else who is proposed to be involved in  
14                  implementing the plan; and
- 15               (b) if the director-general has applied for an intensive therapy order  
16               that allows the director-general to issue a confinement direction  
17               in relation to the child or young person—includes written details  
18               of the following for any proposed period of confinement:
- 19                     (i) the place of the proposed confinement;
- 20                     (ii) when the period of confinement is to start and end;
- 21                     (iii) the therapy, counselling or other service that is proposed  
22                     for the child or young person;
- 23                     (iv) the expected results of the therapy, counselling or other  
24                     service;
- 25                     (v) the education that is proposed for the child or young  
26                     person;

- 1 (vi) the supervision that is proposed for the child or young  
2 person;
- 3 (vii) the proposed arrangements for the child or young person's  
4 contact with—
- 5 (A) family members; and  
6 (B) significant people for the child or young person; and  
7 (C) any other people;
- 8 (viii) for an Aboriginal or Torres Strait Islander child or young  
9 person—the proposed arrangements for the preservation  
10 and enhancement of the identity of the child or young  
11 person as an Aboriginal or Torres Strait Islander person.
- 12 *Note 1* If the public advocate or an official visitor asks the director-general for a  
13 therapy plan for a child or young person, the director-general must  
14 provide a copy promptly (see s 595).
- 15 *Note 2* If the child or young person is an Aboriginal or Torres Strait Islander  
16 person, the director-general must also, if asked by the Aboriginal and  
17 Torres Strait Islander children and young people commissioner, give a  
18 copy promptly to the commissioner (see s 595 (2)).

19 **537 What is *intensive therapy history*?**

20 In this Act:

21 *intensive therapy history*, for a child or young person means written  
22 details of—

- 23 (a) each intensive therapy order made for the child or young person;  
24 and
- 25 (b) if the child or young person has been confined under an intensive  
26 therapy order—the following particulars relating to each period  
27 of confinement:
- 28 (i) the director-general's decision to confine the child or  
29 young person, and the reasons for the decision;

- 1 (ii) when the period of confinement started and ended;
- 2 (iii) where the child or young person was confined;
- 3 (iv) the therapy, counselling or other service that was provided
- 4 to the child or young person;
- 5 (v) the review of the progress of the therapy, counselling or
- 6 other service;
- 7 (vi) the education that was provided to the child or young
- 8 person;
- 9 (vii) the supervision that was provided to the child or young
- 10 person;
- 11 (viii) the arrangements for the child or young person's contact
- 12 with, and the child or young person's contact with—
- 13 (A) family members; and
- 14 (B) significant people for the child or young person; and
- 15 (C) any other people; and
- 16 (c) any other matter prescribed by regulation.

17 **538 What is a *therapy transition plan*?**

18 In this chapter:

19 *therapy transition plan*, for a child or young person—

- 20 (a) means a plan developed by the director-general for when the
- 21 child or young person is no longer subject to an intensive therapy
- 22 order; and
- 23 (b) may include proposals for ongoing therapy, counselling or other
- 24 services to assist the child or young person's transition from
- 25 being in intensive therapy.

1 **Division 16.2.2 Applications for intensive therapy**  
2 **orders**

3 **539 Intensive therapy order—application by director-general**

- 4 (1) Only the director-general may apply for an intensive therapy order.  
5 (2) The director-general may apply to the Childrens Court for an  
6 intensive therapy order for a child or young person if satisfied that the  
7 criteria for making the order are met.

8 *Note 1* Criteria for making an intensive therapy order are in s 549.

9 *Note 2* Oral applications may also be made (see s 698).

- 10 (3) For subsection (2), the director-general may be satisfied that the  
11 criteria are met on the advice of the therapeutic support panel.

12 **540 Intensive therapy order—application to state grounds etc**

13 An application for an intensive therapy order for a child or young  
14 person must—

- 15 (a) state the grounds on which the order is sought; and  
16 (b) include—  
17 (i) a risk assessment for the child or young person; and  
18 (ii) a copy of previous intensive therapy orders for the child or  
19 young person (if any); and  
20 (iii) the intensive therapy history (if any) for the child or young  
21 person; and

- 1 (c) state any less restrictive ways that the director-general, the  
2 therapeutic support panel and any members of the child or young  
3 person's family have—
- 4 (i) tried to prevent the child or young person from engaging  
5 in harmful conduct and how the less restrictive ways were  
6 not successful (if any); and
- 7 (ii) considered to prevent the child or young person from  
8 engaging in harmful conduct and how the less restrictive  
9 ways were not appropriate (if any); and
- 10 (d) include—
- 11 (i) a therapy plan for the child or young person; and
- 12 (ii) information about how the intensive therapy order is part  
13 of the overall care plan for the child or young person; and
- 14 (iii) information about any consultation with, and advice  
15 received, from the therapeutic support panel in relation to  
16 the child or young person;
- 17 (v) information about whether the child or young person is  
18 charged with an offence.
- 19 *Note* Statements, documents and reports must be included in the application  
20 (see s 696).

21 **541 Intensive therapy orders—who must be given application**

22 The director-general must give a copy of the application for the  
23 intensive therapy order for the child or young person to the following  
24 people at least 1 working day before the application is to be heard by  
25 the Childrens Court:

- 26 (a) the child or young person;
- 27 (b) each parent of the child or young person;

- 1 (c) any person who has daily care responsibility, or long-term care  
2 responsibility, for the child or young person;
- 3 (d) the chair of the therapeutic support panel;
- 4 (e) the public advocate;
- 5 (f) if the child or young person is an Aboriginal or Torres Strait  
6 Islander person—the Aboriginal and Torres Strait Islander  
7 children and young people commissioner.

8 **542 Intensive therapy order—Childrens Court to consider**  
9 **application promptly**

- 10 (1) The Childrens Court must give initial consideration to an application  
11 for an intensive therapy order not later than 2 working days after the  
12 day the application is filed.
- 13 (2) The Childrens Court must give directions about the conduct of the  
14 proceeding (including the hearing of the application) at the time the  
15 application is initially considered.
- 16 (3) This section does not apply if the director-general or a police officer  
17 has daily care responsibility for a child or young person under  
18 part 13.1 (Emergency action).

19 *Note* For s (3), the Childrens Court must give initial consideration to the  
20 application on the day it is filed (see s 413).

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## 1 Division 16.2.3 Interim intensive therapy orders

### 2 543 What is an *interim intensive therapy order*?

3 In this Act:

4 *interim intensive therapy order*, for a child or young person, means  
5 an order of the Childrens Court—

6 (a) made in a proceeding for an application for an intensive therapy  
7 order for the child or young person before the intensive therapy  
8 order has been finally decided; and

9 (b) that may direct the child or young person to be confined as a last  
10 resort—

11 (i) for a total period of not more than 2 weeks (the *period of*  
12 *confinement*) starting on a stated day; and

13 (ii) at a stated place or a place the director-general directs; and

14 (c) if the order directs the child or young person to be confined—  
15 that transfers daily care responsibility for the child or young  
16 person to the director-general for the period of confinement; and

17 *Note* Pt 15.3 (Director-general has daily care responsibility) does not  
18 apply if daily care responsibility for a child or young person is  
19 transferred to the director-general under an intensive therapy order  
20 (see s 506).

21 (d) includes any other conditions the court considers necessary to—

22 (i) prevent the child or young person from engaging in  
23 harmful conduct; and

24 (ii) ensure the child or young person undergoes any necessary  
25 treatment in accordance with a therapy plan.

26 *Note* Parental responsibility may be transferred to someone else (see s 17) or  
27 shared between 2 or more people (see s 18) under a court order made  
28 under this Act or another law in force in the Territory.

- 1 **544 Interim intensive therapy order—criteria for making**
- 2 The Childrens Court may, on application by the director-general,  
3 make an interim intensive therapy order for a child who is at least  
4 10 years old or a young person if—
- 5 (a) an application for an intensive therapy order for the child or  
6 young person has been made but not finally decided; and
- 7 (b) the court is satisfied that—
- 8 (i) there is a significant risk of significant harm to the child or  
9 young person, or someone else, arising from the child or  
10 young person’s conduct; and
- 11 (ii) an interim order before the application is finally decided is  
12 necessary to prevent the harmful conduct; and
- 13 (iii) if the order directs the child or young person to be  
14 confined—the confinement is necessary as a last resort  
15 to—
- 16 (A) prevent the child or young person from engaging in  
17 harmful conduct; and
- 18 (B) ensure the child or young person undergoes any  
19 necessary treatment in accordance with a therapy  
20 plan.

21 *Note* Criteria for making an intensive therapy order are in s 549.

- 22 **545 Interim intensive therapy order—confinement direction**
- 23 If the Childrens Court decides that a child or young person must be  
24 confined for a period of time under an interim intensive therapy order,  
25 the court must include the following directions in the order:
- 26 (a) that the child or young person must be confined;
- 27 (b) the period of confinement, including the day on which the  
28 confinement starts and ends;

- 1 (c) the place of confinement;  
2 (d) the purpose of the confinement.

3 **546 Interim intensive therapy order—length**

- 4 (1) The length of an interim intensive therapy order—  
5 (a) must be stated in the order; and  
6 (b) must not be longer than 2 weeks.  
7 (2) An interim intensive therapy order ends on the earlier of the  
8 following:  
9 (a) the day the order is stated to end;  
10 (b) the day the application for the intensive therapy order is finally  
11 decided.

12 **547 Interim intensive therapy order—further order**

- 13 (1) Section 546 does not prevent an application for a further interim  
14 intensive therapy order to commence immediately after the end of a  
15 previous interim intensive therapy order.  
16 (2) However, the court must not make a further interim intensive therapy  
17 order directing the confinement of a child or young person if the total  
18 period of confinement to which the child or young person has been  
19 subject under previous interim intensive therapy orders is 12 weeks.

20 **548 Offence—interim intensive therapy order**

- 21 (1) A person commits an offence if—  
22 (a) an interim intensive therapy order is in force for a child or young  
23 person; and  
24 (b) the person has been given a copy of the order; and

- 1 (c) the person is not the child or young person who is the subject of  
2 the interim intensive therapy order; and
- 3 (d) the person engages in conduct that contravenes a provision of  
4 the order.
- 5 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
6 both.
- 7 (2) This section does not apply if the person has a reasonable excuse for  
8 contravening the order.
- 9 *Note* The defendant has an evidential burden in relation to the matters  
10 mentioned in s (2) (see [Criminal Code](#), s 58).

## 11 **Division 16.2.4 Making an intensive therapy order**

### 12 **549 Intensive therapy order—criteria for making**

13 The Childrens Court may, on the application of the director-general,  
14 make an intensive therapy order for a child who is at least 10 years  
15 old or young person only if satisfied that—

- 16 (a) if the order is not made—
- 17 (i) there will be a significant risk of significant harm to—
- 18 (A) the child or young person; or
- 19 (B) someone else; and
- 20 (ii) the risk of harm arises from the child or young person’s  
21 conduct; and
- 22 (b) the court is satisfied that—
- 23 (i) less restrictive ways to prevent the child or young person  
24 from engaging in harmful conduct have been tried but the  
25 less restrictive ways have not been successful; or

- 1                   (ii) less restrictive ways to prevent the child or young person  
2                   from engaging in harmful conduct have been considered  
3                   but the less restrictive ways were not appropriate; and
- 4                   (c) there are no less restrictive ways to prevent the child or young  
5                   person from engaging in harmful conduct; and
- 6                   (d) if the order authorises the director-general to issue a  
7                   confinement direction in relation to a child or young person—  
8                   confinement of the child or young person may be necessary as a  
9                   last resort to enable either or both of the following:
- 10                   (i) assessment of the child or young person’s behaviour and  
11                   needs;
- 12                   (ii) treatment in accordance with a therapy plan; and
- 13                   (e) the director-general—
- 14                   (i) if the order relates to the assessment of the child or young  
15                   person’s behaviour and needs—undertakes to provide the  
16                   court with a therapy plan for the child or young person  
17                   within the period required by the court; and
- 18                   (b) if the order relates to the treatment of the child or young  
19                   person—has provided the court with a therapy plan for the  
20                   child or young person; and
- 21                   (f) if the director general has provided a therapy plan to the court—  
22                   the plan is more likely than not to reduce the likelihood of the  
23                   child or young person engaging in harmful conduct in the future;  
24                   and

1 (g) making the order is in the best interests of the child or young  
2 person.

3 **Examples—less restrictive ways to prevent young person from engaging in**  
4 **harmful conduct—pars (b) and (c)**

5 1 The director-general provided a child or young person’s family with intensive  
6 family support services.

7 2 The director-general or other service provider provided a child or young  
8 person with the same services that are provided under a therapy plan but the  
9 child or young person was not confined at an intensive therapy place.

10 *Note 1* In a proceeding for an intensive therapy order, a fact is proved if it is  
11 proved on the balance of probabilities (see s 711).

12 *Note 2* The Childrens Court may make an order imposing an obligation on a  
13 person only if the person agrees to it, has been given an opportunity to be  
14 heard about it or cannot be found (see s 718).

15 **550 Intensive therapy order—confinement directions**

16 (1) If the Childrens Court authorises the director-general to issue a  
17 confinement direction in relation to a child or young person under an  
18 intensive therapy order, or an extension of the order, the court must  
19 state the following in the order:

20 (a) that the child or young person may be confined as a last resort  
21 while the order is in force;

22 *Note* For the director-general’s functions in relation to a confinement  
23 direction (see section 577).

24 (b) the place of confinement;

25 (c) the purpose of the confinement;

26 (d) any further conditions of the authorisation.

27 (2) In this section:

28 ***confinement direction***—see section 532, definition of ***intensive***  
29 ***therapy order***, paragraph (b).

1 **551 Intensive therapy order—length**

2 The length of an intensive therapy order—

- 3 (a) must be stated in the order; and  
4 (b) must not be longer than 12 weeks.

5 *Note* An intensive therapy order may be extended (see div 16.2.6).

6 **552 Intensive therapy order—statement of reasons**

7 If the Childrens Court hears and decides an application for an  
8 intensive therapy order, the court must record a written statement of  
9 reasons for the decision.

10 *Note 1* A party may ask for the statement of reasons (see s 722 (2)).

11 *Note 2* For what must be included in a statement of reasons, see the [Legislation](#)  
12 [Act](#), s 179.

13 **553 Offence—intensive therapy order**

14 (1) A person commits an offence if—

- 15 (a) an intensive therapy order is in force for a child or young person;  
16 and  
17 (b) the person has been given a copy of the order; and  
18 (c) the person is not the child or young person who is the subject of  
19 the intensive therapy order; and  
20 (d) the person engages in conduct that contravenes a provision of  
21 the order.

22 Maximum penalty: 100 penalty units, imprisonment for 1 year or  
23 both.

1           (2) This section does not apply if the person has a reasonable excuse for  
2           contravening the order.

3           *Note*     The defendant has an evidential burden in relation to the matters  
4           mentioned in s (2) (see [Criminal Code](#), s 58).

## 5           **Division 16.2.5           Review of intensive therapy orders**

### 6           **554           Definitions—div 16.2.5**

7           In this division:

8           *initial review*—see section 555 (2).

9           *ongoing review*—see section 556 (2).

### 10          **555           Initial review**

11          (1) This section applies if an intensive therapy order is in force for a child  
12          or young person.

13          (2) The director-general must review the operation of the order  
14          (the *initial review*) not later than—

15               (a) if the order authorises the director-general to issue a  
16               confinement direction—2 weeks after the order is made; or

17               (b) in any other case—6 weeks after the order is made, or 1 week  
18               before the order expires, whichever happens first.

### 19          **556           Ongoing review**

20          (1) This section applies if an intensive therapy order is in force for a child  
21          or young person.

- 1           (2) The director-general must review the operation of the order  
2           (an *ongoing review*) not later than—
- 3           (a) if the order authorises the director-general to issue a  
4           confinement direction—2 weeks after—
- 5                 (i) the initial review; and  
6                 (ii) each ongoing review; or
- 7           (b) in any other case—6 weeks after the initial review and each  
8           ongoing review, or 1 week before the order expires after the  
9           initial review or an ongoing review, whichever happens first.

10   **557       Review—views to be considered**

- 11           (1) This section applies if the director-general is carrying out an initial  
12           review, or ongoing review, of the operation of an intensive therapy  
13           order.
- 14           (2) In carrying out the review, the director-general must consider the  
15           views of the following people:
- 16                 (a) the child or young person;
- 17                 (b) each person with parental responsibility for the child or young  
18                 person (other than the director-general);
- 19                 *Note*     Parental responsibility is dealt with in div 1.3.2.
- 20                 (c) each person who had daily care responsibility for the child or  
21                 young person immediately before the order was made;
- 22                 *Note*     Daily care responsibility is dealt with in s 19.
- 23                 (d) the chair of the therapeutic support panel;
- 24                 (e) each official visitor who has visited the child or young person;
- 25                 (f) the public advocate;

- 1 (g) if the child or young person is an Aboriginal or Torres Strait  
2 Islander person—the Aboriginal and Torres Strait Islander  
3 children and young people commissioner;  
4 (h) any other person the director-general considers appropriate.

5 **558 Review report**

- 6 (1) This section applies if the director-general has carried out an initial  
7 review, or ongoing review, of the operation of an intensive therapy  
8 order.
- 9 (2) The director-general must prepare a report (a *review report*) about the  
10 operation of the intensive therapy order.
- 11 (3) The director-general must give a copy of the review report to the  
12 following:
- 13 (a) the child or young person;
- 14 (b) each person with parental responsibility for the child or young  
15 person (other than the director-general);
- 16 (c) each person who had daily care responsibility for the child or  
17 young person immediately before the order was made;
- 18 (d) the chair of the therapeutic support panel;
- 19 (e) each official visitor who has visited the child or young person;
- 20 (f) the public advocate;
- 21 (g) if the child or young person is an Aboriginal or Torres Strait  
22 Islander person—the Aboriginal and Torres Strait Islander  
23 children and young people commissioner;
- 24 (h) if the Childrens Court has requested a copy of the report—the  
25 court.

1   **559        Director-general's action after review**

2        (1) This section applies if the director-general has carried out an initial  
3        review, or ongoing review, of the operation of an intensive therapy  
4        order.

5        (2) If the director-general decides that the order should be extended, the  
6        director-general must apply to the Childrens Court for the order to be  
7        extended.

8        *Note*     The Childrens Court may extend the order under div 16.2.6.

9        (3) If the director-general decides that the order should be amended, the  
10       director-general must apply to the Childrens Court for the order to be  
11       amended.

12       *Note*     Amending an intensive therapy order is dealt with in div 16.2.7.

13       (4) If the director-general decides that the order should be revoked, the  
14       director-general must apply to the Childrens Court for the order to be  
15       revoked.

16       *Note*     Revoking an intensive therapy order is dealt with in div 16.2.7.

17   **Division 16.2.6        Extending an intensive therapy order**

18   **560        Intensive therapy order—extension application**

19        The director-general may apply to the Childrens Court for extension  
20        of an intensive therapy order only if the director-general believes on  
21        reasonable grounds that the criteria for extending the order are met.

22        *Note 1*    Criteria for extending the order is in s 564.

23        *Note 2*    Statements, documents and reports must be included in the application  
24        (see s 696).

25        *Note 3*    Oral applications may also be made (see s 698).

- 1 **561 Intensive therapy order—extension application must**  
2 **state grounds etc**
- 3 An application for extension of an intensive therapy order must—
- 4 (a) state the grounds for the proposed extension; and
- 5 (b) include—
- 6 (i) the intensive therapy history (if any) for the child or young  
7 person; and
- 8 (ii) a further therapy plan for the child or young person for the  
9 period of the proposed extension; and
- 10 (iii) a further risk assessment for the child or young person; and
- 11 (c) include a written statement summarising—
- 12 (i) whether the director-general has consulted with or sought  
13 advice from the therapeutic support panel about the child  
14 or young person under the intensive therapy order, and if  
15 so the substance of the consultation or advice; and
- 16 (ii) how the intensive therapy order was implemented; and
- 17 (iii) the extent of compliance with the order.
- 18 **562 Intensive therapy order—who must be given extension**  
19 **application**
- 20 The director-general must give a copy of an application for extension  
21 of an intensive therapy order to the following people at least  
22 1 working day before the application is to be heard by the Childrens  
23 Court:
- 24 (a) each party to the proceeding in which the order was made;
- 25 (b) the public advocate;

- 1 (c) if the intensive therapy order is for an Aboriginal or Torres Strait  
2 Islander child or young person—the Aboriginal and Torres  
3 Strait Islander children and young people commissioner.

4 *Note* Parties to proceedings are dealt with in pt 19.2.

5 **563 Intensive therapy order—Childrens Court to consider**  
6 **extension application promptly**

- 7 (1) The Childrens Court must give initial consideration to an application  
8 for extension of an intensive therapy order not later than 2 working  
9 days after the day the application is filed.
- 10 (2) The Childrens Court must give directions about the conduct of the  
11 proceeding (including the hearing of the application) at the time the  
12 application is initially considered.
- 13 (3) If the intensive therapy order is in force on the day the application for  
14 extension is filed, but would end before the application is heard, the  
15 order continues in force until whichever of the following happens  
16 first:
- 17 (a) the application is heard and decided;
- 18 (b) 8 weeks after the application was filed.

19 **564 Intensive therapy order—criteria for extension up to**  
20 **6 months**

- 21 (1) The Childrens Court may, by order, extend an intensive therapy order  
22 only if satisfied that—
- 23 (a) if the order is not extended—
- 24 (i) there will be a significant risk of significant harm to—
- 25 (A) the child or young person; or
- 26 (B) someone else; and

- 1 (ii) the risk of harm arises from the child or young person's  
2 conduct; and
- 3 (b) there are no less restrictive ways to prevent the child or young  
4 person from engaging in harmful conduct than an extended  
5 intensive therapy order; and
- 6 (c) the director-general has developed a further therapy plan for the  
7 child or young person; and
- 8 (d) the further therapy plan is more likely than not to reduce the  
9 likelihood of the child or young person engaging in harmful  
10 conduct in the future; and
- 11 (e) extending the order is in the best interests of the child or young  
12 person.
- 13 *Note 1* In a proceeding for a care and protection order, a fact is proved if it is  
14 proved on the balance of probabilities (see s 711).
- 15 *Note 2* The Childrens Court may make an order imposing an obligation on a  
16 person only if the person agrees to it, has been given an opportunity to be  
17 heard about it or cannot be found (see s 718).
- 18 (2) The Childrens Court may extend an intensive therapy order—
- 19 (a) for as long as 8 weeks; and
- 20 (b) more than once.
- 21 (3) However, the Childrens Court must not extend an intensive therapy  
22 order if the total length of the order and any extensions of the order  
23 will be longer than 6 months.

1 **565 Intensive therapy order extension—statement of reasons**

2 If the Childrens Court hears and decides an application for extension  
3 of an intensive therapy order, the court must record a written  
4 statement of reasons for the decision.

5 *Note 1* A party may ask for the statement of reasons (see s 722 (2)).

6 *Note 2* For what must be included in a statement of reasons, see the [Legislation](#)  
7 [Act](#), s 179.

8 **Division 16.2.7 Amending or revoking an intensive**  
9 **therapy order**

10 **566 Intensive therapy order—amendment**

11 The Childrens Court may by order, on application or on its own  
12 initiative, amend an intensive therapy order.

13 **567 Intensive therapy order—revocation**

14 The Childrens Court may by order, on application or on its own  
15 initiative, revoke an intensive therapy order.

16 **568 Intensive therapy order—application for amendment or**  
17 **revocation**

18 The following people may apply for amendment or revocation of an  
19 intensive therapy order for a child or young person if the person  
20 believes on reasonable grounds that the criteria for amending or  
21 revoking the order are met:

- 22 (a) the director-general;
- 23 (b) the child or young person;
- 24 (c) someone who has parental responsibility for the child or young  
25 person;
- 26 (d) a former caregiver of the child or young person;

- 1 (e) the public advocate;
- 2 (f) if the child or young person is an Aboriginal or Torres Strait  
3 Islander person—the Aboriginal and Torres Strait Islander  
4 children and young people commissioner.

5 **569 Intensive therapy order—application for amendment must**  
6 **state grounds etc**

- 7 (1) An application for amendment of an intensive therapy order must—
- 8 (a) state—
- 9 (i) how the provision is proposed to be amended; and
- 10 (ii) the grounds for the proposed amendment; and
- 11 (b) if the applicant is the director-general, include—
- 12 (i) the intensive therapy history (if any) for the child or young  
13 person; and
- 14 (ii) a revised therapy plan for the child or young person that  
15 takes into account the proposed amendment; and
- 16 (iii) a further risk assessment for the child or young person; and
- 17 (c) be given to the following:
- 18 (i) if the applicant is not the director-general—the  
19 director-general;
- 20 (ii) the public advocate;
- 21 (iii) if the child or young person is an Aboriginal or Torres  
22 Strait Islander person—the Aboriginal and Torres Strait  
23 Islander children and young people commissioner;
- 24 (iv) an entity prescribed by regulation.

- 1 (2) If the applicant is not the director-general, after the director-general  
2 receives a copy of the application, the director-general must file with  
3 the Childrens Court—
- 4 (a) the intensive therapy history (if any) for the child or young  
5 person; and
- 6 (b) a revised therapy plan for the child or young person that takes  
7 into account the proposed amendment; and
- 8 (c) a further risk assessment for the child or young person.
- 9 **570 Intensive therapy order—application for revocation must**  
10 **state grounds etc**
- 11 (1) An application for revocation of an intensive therapy order must—
- 12 (a) state the grounds for the proposed revocation; and
- 13 (b) if the applicant is the director-general, include—
- 14 (i) the intensive therapy history (if any) for the child or young  
15 person; and
- 16 (ii) a further risk assessment for the child or young person.
- 17 (2) If the applicant is not the director-general, after the director-general  
18 receives a copy of the application, the director-general must file with  
19 the Childrens Court—
- 20 (a) the intensive therapy history (if any) for the child or young  
21 person; and
- 22 (b) a further risk assessment for the child or young person.

- 1 **571 Intensive therapy order—who must be given application**  
2 **for amendment or revocation**
- 3 The applicant for amendment or revocation of an intensive therapy  
4 order must give a copy of the application to the following people at  
5 least 1 working day before the application is to be heard by the  
6 Childrens Court:
- 7 (a) each party to the proceeding in which the order was made;  
8 (b) anyone else who was required to be given a copy of the  
9 application for the intensive therapy order;  
10 (c) the public advocate;  
11 (d) if the intensive therapy order was for an Aboriginal or Torres  
12 Strait Islander child or young person—the Aboriginal and  
13 Torres Strait Islander children and young people commissioner.
- 14 *Note* Parties to proceedings are dealt with in pt 19.2.
- 15 **572 Intensive therapy order—Childrens Court to consider**  
16 **application for amendment or revocation promptly**
- 17 (1) The Childrens Court must give initial consideration to an application  
18 for amendment or revocation of an intensive therapy order not later  
19 than 2 working days after the day the application is filed.
- 20 (2) The Childrens Court must give directions about the conduct of the  
21 proceeding (including the hearing of the application) at the time the  
22 application is initially considered.

1 **573 Intensive therapy order amendment or revocation—**  
2 **criteria for amendment or revocation**

3 The Children’s Court may, by order, amend or revoke an intensive  
4 therapy order or a condition of the order only if satisfied that—

- 5 (a) the order or condition of the order is no longer needed to reduce  
6 the risk of harm to, or arising from, the child or young person;  
7 or  
8 (b) a less restrictive way than the order or condition of the order is  
9 available to prevent the child or young person from engaging in  
10 harmful conduct; or  
11 (c) the order or condition of the order is no longer in the best  
12 interests of the child.

13 **574 Intensive therapy order amendment or revocation—**  
14 **statement of reasons**

15 If the Childrens Court hears and decides an application for  
16 amendment or revocation of an intensive therapy order, the court  
17 must record a written statement of reasons for the decision.

18 *Note 1* A party may ask for the statement of reasons (see s 722 (2)).

19 *Note 2* For what must be included in a statement of reasons, see the [Legislation](#)  
20 [Act](#), s 179.

21 **Division 16.2.8 Mental health referral**

22 **575 Referral of young person with mental disorder or illness**

- 23 (1) In a proceeding for an interim intensive therapy order or intensive  
24 therapy order for a child or young person, the Childrens Court—  
25 (a) if satisfied that the child or young person may have a mental  
26 disorder or mental illness—may order the child or young person  
27 to submit to the jurisdiction of the ACAT; or

- 1 (b) if satisfied that the child or young person has a mental disorder  
2 or mental illness—must order the child or young person to  
3 submit to the jurisdiction of the ACAT.
- 4 (2) However, the Childrens Court need not order the child or young  
5 person to submit to the jurisdiction of the ACAT if satisfied that  
6 making an interim intensive therapy order or intensive therapy order  
7 is the best way to support the child or young person.

## 8 **Part 16.3** **Children and young people in** 9 **intensive therapy**

### 10 **Division 16.3.1** **Preliminary**

#### 11 **576** **When is a child or young person *in intensive therapy*?**

12 In this Act:

13 *in intensive therapy*—a child or young person is *in intensive therapy*  
14 if the child or young person is subject to an intensive therapy order or  
15 an interim intensive therapy order.

### 16 **Division 16.3.2** **Confinement**

#### 17 **577** **Confinement direction**

- 18 (1) A confinement direction issued by the director-general as a last resort  
19 in relation to a child or young person must state the following:
- 20 (a) the nature of the confinement necessary and reasonable to  
21 ensure—
- 22 (i) assessment of the child or young person’s behaviour and  
23 needs; or
- 24 (ii) treatment of the child or young person in accordance with  
25 a therapy plan;

- 1 (b) the period of confinement;
- 2 (c) whether the child or young person may temporarily leave an  
3 intensive therapy place while the confinement direction is in  
4 force.
- 5 (2) The director-general must not—
- 6 (a) direct the continuous confinement of a child or young person for  
7 a period longer than 14 days; or
- 8 (b) allow a child or young person to temporarily leave an intensive  
9 therapy place if the leave would create a risk of harm to the child  
10 or young person or anyone else.
- 11 (3) The director-general may issue more than 1 confinement direction in  
12 accordance with an intensive therapy order while the order is in force.
- 13 (4) If the director-general issues a confinement direction, the  
14 director-general must for each period of confinement—
- 15 (a) record the fact of and reasons for the confinement; and
- 16 (b) tell the public advocate in writing of the confinement; and
- 17 (c) if the child or young person is an Aboriginal or Torres Strait  
18 Islander person—tell the Aboriginal and Torres Strait Islander  
19 children and young people commissioner in writing of the  
20 confinement; and
- 21 (d) record the confinement in the intensive therapy register.
- 22 (5) In this section:
- 23 ***confinement direction***—see section 532, definition of ***intensive***  
24 ***therapy order***, paragraph (b).

1 **Division 16.3.3 Visits by accredited people**

2 **578 Who is an *accredited person*?**

3 In this division:

4 *accredited person*, for a child or young person in intensive therapy,  
5 means each of the following:

- 6 (a) the director-general;
- 7 (b) a representative of an entity providing a service or program to  
8 the child or young person at an intensive therapy place;
- 9 (c) a lawyer representing the child or young person;
- 10 (d) an official visitor;
- 11 (e) the chair of the therapeutic support panel;
- 12 (f) the public advocate;
- 13 (g) a commissioner exercising functions under the *Human Rights*  
14 *Commission Act 2005*;
- 15 (h) if the child or young person is an Aboriginal or Torres Strait  
16 Islander person—the Aboriginal and Torres Strait Islander  
17 children and young people commissioner;
- 18 (i) the ombudsman;
- 19 (j) a person prescribed by regulation.

1 **579 Intensive therapy—visits by accredited people must be**  
2 **allowed**

3 To protect the human rights of children and young people in intensive  
4 therapy at intensive therapy places, the operating entity for the  
5 intensive therapy place must ensure, as far as practicable, that  
6 children and young people in intensive therapy have reasonable  
7 opportunities to receive visits from accredited people as often as  
8 needed.

9 **580 Intensive therapy—visits by accredited people**

10 An accredited person may visit a child or young person in intensive  
11 therapy.

12 **Division 16.3.4 Searches and seizure**

13 **581 Application—div 16.3.4**

14 This division applies to a child or young person who is in intensive  
15 therapy.

16 **582 Meaning of *owner*—div 16.3.4**

17 In this division:

18 *owner*, of a thing, includes a person entitled to possession of the thing.

19 **583 Search and seizure—powers**

20 (1) The operating entity for an intensive therapy place may, at any time,  
21 direct an intensive therapy person to carry out a scanning search, frisk  
22 search or ordinary search of a child or young person if there are  
23 reasonable grounds for believing that the child or person is carrying  
24 anything—

25 (a) that would present a danger to the intensive therapy person or  
26 another person; or

- 1 (b) that could be used to assist the child or person to escape the  
2 intensive therapy place.
- 3 (2) As far as practicable, the operating entity must ensure that the  
4 intensive therapy person is—
- 5 (a) if the child or young person requests an intensive therapy person  
6 of a particular sex—a person of the sex requested; or
- 7 (b) if the child or young person makes no request—a person of the  
8 same sex as the child or young person.
- 9 (3) The intensive therapy person may seize a dangerous thing found on a  
10 child or young person or in a child or young person’s custody or  
11 possession, unless the child or young person has the written approval  
12 of the operating entity to possess the thing.
- 13 (4) The intensive therapy person must make a written record of anything  
14 seized under this section.
- 15 (5) In this section:
- 16 ***frisk search*** means—
- 17 (a) a search of a person conducted by quickly running the hands  
18 over the person’s outer garments; and
- 19 (b) an examination of anything worn or carried by the person that is  
20 conveniently and voluntarily removed by the person.
- 21 ***ordinary search*** means a search of a person, or of articles in a  
22 person’s possession, that may include—
- 23 (a) requiring the person to remove the person’s overcoat, coat or  
24 jacket and any gloves, shoes, hat or bag; and
- 25 (b) an examination of those items.
- 26 ***scanning search*** means a search of a person by electronic or other  
27 means that does not require the person to remove the person’s  
28 clothing or to be touched by someone else.

1   **584        Searches—intrusiveness**

2           (1) An intensive therapy person conducting a search of a child or young  
3           person under this division must ensure, as far as practicable, that the  
4           search—

5                   (a) is the least intrusive kind of search that is necessary and  
6                   reasonable in the circumstances; and

7                   (b) is conducted in the least intrusive way that is necessary and  
8                   reasonable in the circumstances.

9           **Example**

10           searching for a dangerous thing by a scanning search rather than a frisk search

11           (2) A child or young person must not be subjected to a strip search.

12           (3) In this section:

13           *strip search* means a search of a person that includes—

14                   (a) requiring the person to remove all of the person’s clothing; and

15                   (b) examining—

16                           (i) the person’s body (but not the person’s body orifices or  
17                           cavities); and

18                           (ii) the person’s clothing.

19   **585        Searches—use of force**

20           An intensive therapy person may use force, but only as much force as  
21           is necessary and reasonable—

22                   (a) to conduct or assist in a search under this division; or

23                   (b) to prevent the loss, destruction or contamination of anything  
24                   seized, or that may be seized, during the search.

1     **586         Seized property—must tell owner**

2             (1) As soon as practicable, but not later than 7 days, after the day a thing  
3                 is seized under section 583, the operating entity for the intensive  
4                 therapy place must tell the following people, in writing (a *seizure*  
5                 *notice*), about the seizure:

6                     (a) the owner of the thing seized;

7                     (b) if the owner cannot be identified after reasonable efforts (given  
8                         the thing's apparent value)—the person from whom the thing  
9                         was seized.

10            (2) The seizure notice must—

11                     (a) identify the thing seized; and

12                     (b) outline the grounds for the seizure; and

13                     (c) include a statement about the effect of section 587; and

14                     (d) include anything else prescribed by regulation.

15     **587         Seized property—forfeiture**

16             (1) A thing seized under section 583 is forfeited to the Territory if—

17                     (a) after making reasonable efforts (given the thing's apparent  
18                         value), the operating entity for the intensive therapy place is  
19                         satisfied that—

20                             (i) the owner of the thing cannot be found; or

21                             (ii) the thing cannot be returned to the owner; or

22                     (b) the operating entity for the intensive therapy place is satisfied  
23                         that—

24                             (i) possession of the thing by the child or young person is an  
25                             offence; or

1 (ii) it is necessary to keep the thing to stop it being used for  
2 the commission of an offence; or

3 (iii) the thing is inherently unsafe.

4 (2) The operating entity may deal with a thing forfeited to the Territory  
5 under this section, or dispose of it, as the operating entity considers  
6 appropriate.

7 **Examples**

8 1 giving a forfeited weapon to the director-general

9 2 dumping a forfeited thing of little value

10 (3) However, subsection (2) is subject to any order under the *Crimes*  
11 *Act 1900*, section 249 (Seizure of forfeited articles).

12 *Note 1* The *Crimes Act 1900* also provides for articles forfeited under any law in  
13 force in the Territory to be seized by a member of the police force, taken  
14 before the Magistrates Court and for the court to order disposal of the  
15 article by the public trustee and guardian (see s 249 and s 250).

16 *Note 2* The *Uncollected Goods Act 1996* provides generally for the disposal of  
17 uncollected goods, including goods abandoned on premises controlled by  
18 the Territory.

19 **588 Seized property—return**

20 (1) If a thing seized under section 583 is not forfeited to the Territory, the  
21 operating entity for the intensive therapy place must return the thing  
22 to its owner—

23 (a) at the end of the 6 months after the day the thing was seized; or

24 (b) if a proceeding for an offence involving the thing is started not  
25 later than the 6 months—at the end of the proceeding and any  
26 appeal from the proceeding.

27 (2) However, if the thing was being kept as evidence of an offence and  
28 the operating entity believes on reasonable grounds that keeping the  
29 thing as evidence is no longer necessary, the operating entity must  
30 return the thing immediately to its owner.

1 **Part 16.4 Intensive therapy—**  
2 **administration**

3 **Division 16.4.1 Intensive therapy places**

4 **589 Intensive therapy place—declaration**

- 5 (1) The director-general may declare a place to be an intensive therapy  
6 place for this Act.
- 7 (2) However, the director-general may declare a place to be an intensive  
8 therapy place only if the place—
- 9 (a) is not a detention place; and
- 10 (b) complies with the intensive therapy standards.

11 *Note* The Minister may make intensive therapy standards under s 887.

- 12 (3) A declaration is a notifiable instrument.

13 *Note* An authorised person may, at any reasonable time, enter a place if the  
14 director-general is deciding whether to declare the place as an intensive  
15 therapy place under this section (see s 816).

16 **590 Intensive therapy place—exclusion of matters from**  
17 **declaration etc**

- 18 (1) The director-general may exclude from an intensive therapy place  
19 declaration any matter that the director-general believes on  
20 reasonable grounds would be likely to disclose the location of an  
21 intensive therapy place.
- 22 (2) However, the director-general must disclose the location of an  
23 intensive therapy place to the people entitled under section 597 (1) to  
24 have access to the intensive therapy register.

1     **591           Intensive therapy place—policies and procedures**

- 2           (1) The director-general may make intensive therapy place policies and  
3           operating procedures, consistent with this Act, to facilitate the  
4           effective and efficient management of intensive therapy places.

5           *Note*     A reference to this Act includes a reference to the statutory instruments  
6                   made or in force under this Act, including any intensive therapy standards  
7                   (see [Legislation Act](#), s 104).

- 8           (2) Each intensive therapy place policy or operating procedure is a  
9           notifiable instrument.

10          *Note 1*    The amendment or repeal of an intensive therapy place policy or  
11                   operating procedure is also a notifiable instrument (see [Legislation Act](#),  
12                   s 46).

13          *Note 2*    An authorised person may, at any reasonable time, enter an intensive  
14                   therapy place for which the director-general is not the operating entity  
15                   (see s 816).

16     **592           Authorisation of operating entity for intensive therapy**  
17     **place**

18           The director-general may authorise an entity to be an operating entity  
19           for an intensive therapy place if satisfied that the entity—

- 20           (a) is a suitable entity to operate an intensive therapy place; and

21           *Note*     Suitable entities are dealt with in s 61.

- 22           (b) complies with, and is likely to continue to comply with, the  
23           intensive therapy standards.

24           *Note*     The Minister may make intensive therapy standards under s 887.

25     **593           Suspension of operating entity’s authorisation**

- 26           (1) The director-general may suspend an entity’s authorisation under  
27           section 592 as an operating entity for an intensive therapy place if the  
28           director-general suspects on reasonable grounds that the entity—

- 29           (a) is not a suitable entity to operate an intensive therapy place; or
-

- 1 (b) has at any time failed to comply with the intensive therapy  
2 standards.
- 3 (2) The director-general may suspend the authorisation by—
- 4 (a) giving the entity written notice of the suspension, including the  
5 director-general's reasons for suspending the authorisation; and
- 6 (b) telling the entity that the entity may make a submission, in  
7 writing, to the director-general about the suspension not later  
8 than 14 days after the day the notice is given to the entity.
- 9 (3) A suspension takes effect immediately.
- 10 (4) After the end of 28 days after the director-general gives notice of the  
11 suspension of an entity's authorisation under subsection (2) (b), the  
12 director-general must—
- 13 (a) consider any submission made by the entity; and
- 14 (b) either—
- 15 (i) revoke the suspension; or
- 16 (ii) give the entity notice of the director-general's intention to  
17 revoke the authorisation under section 594.

18 **594 Revocation of operating entity's authorisation**

- 19 (1) The director-general may revoke an entity's authorisation under  
20 section 592 as an operating entity for an intensive therapy place if the  
21 director-general is satisfied that the entity—
- 22 (a) is not a suitable entity to operate an intensive therapy place; or
- 23 (b) has at any time failed to comply with the intensive therapy  
24 standards.
- 25 (2) The director-general may also revoke an entity's authorisation if the  
26 entity asks the director-general to revoke the authorisation.

- 1 (3) Before revoking an entity's authorisation under subsection (1), the  
2 director-general must—
- 3 (a) give the entity written notice of the director-general's intention  
4 to revoke the authorisation, including the director-general's  
5 reasons; and
- 6 (b) tell the entity that the entity may make a submission, in writing,  
7 to the director-general about the notice not later than 14 days  
8 after the day the notice is given to the entity; and
- 9 (c) if the entity makes a submission—consider the submission.

## 10 **Division 16.4.2 Therapy plans**

### 11 **595 Public advocate etc may be given therapy plan**

- 12 (1) If the public advocate or an official visitor asks the director-general  
13 for a therapy plan for a child or young person, the director-general  
14 must promptly give the public advocate or official visitor a copy of  
15 the plan.

16 *Note* The therapy plan is protected information (see ch 25).

- 17 (2) If the Aboriginal and Torres Strait Islander children and young people  
18 commissioner asks the director-general for a therapy plan for an  
19 Aboriginal or Torres Strait Islander child or young person, the  
20 director-general must promptly give the commissioner a copy of the  
21 plan.

1 **Division 16.4.3 Intensive therapy register**

2 **596 Intensive therapy register**

- 3 (1) The operating entity for an intensive therapy place must keep a  
4 register (an *intensive therapy register*) in relation to children or  
5 young people for whom the Childrens Court makes an interim  
6 intensive therapy order or an intensive therapy order and who are  
7 confined at the intensive therapy place.
- 8 (2) The intensive therapy register must include the following details for  
9 each child or young person for whom the Childrens Court makes an  
10 interim intensive therapy order or an intensive therapy order:
- 11 (a) name, sex and date of birth;
- 12 (b) details of the intensive therapy order;
- 13 (c) the therapy plan for each proposed period of confinement;
- 14 (d) the intensive therapy history (if any) for each period of  
15 confinement;
- 16 (e) if the child or young person is searched during a period of  
17 confinement—
- 18 (i) the reason for the search; and
- 19 (ii) when and where the search was conducted; and
- 20 (iii) the name of each person present at any time during the  
21 search; and
- 22 (iv) details of anything seized during the search; and
- 23 (v) details of any force used for conducting the search, and  
24 why force was used;

- 1 (f) if force was used on the child or young person, other than as part  
2 of a search, during the period of confinement—
- 3 (i) the reason force was used; and  
4 (ii) details of the force used; and  
5 (iii) the name of each person present when force was used;
- 6 (g) where and with whom the child or young person lived before the  
7 period of confinement;
- 8 (h) anything else prescribed by regulation.

9 *Note* Information in the intensive therapy register is protected  
10 information (see ch 25).

- 11 (3) The register may contain anything else the operating entity considers  
12 relevant.

13 **597 Intensive therapy register—who may have access?**

- 14 (1) The following people may have access to an intensive therapy  
15 register:
- 16 (a) the director-general or a person authorised by the  
17 director-general;
- 18 (b) a magistrate;
- 19 (c) a judge;
- 20 (d) the ombudsman;
- 21 (e) an official visitor;
- 22 (f) the public advocate;
- 23 (g) a commissioner exercising functions under the *Human Rights*  
24 *Commission Act 2005*;

1 (h) the Aboriginal and Torres Strait Islander children and young  
2 people commissioner;

3 (i) a person prescribed by regulation.

4 (2) The operating entity must ensure that the intensive therapy register  
5 kept by the operating entity is accessed only by the people mentioned  
6 in subsection (1).

7 *Note* An authorised person may, at any reasonable time, enter an intensive  
8 therapy place (see s 816).

9 **598 Intensive therapy register—public advocate to inspect**

10 The public advocate must inspect the intensive therapy register at  
11 least once every 3 months.

12 **13 Police assistance**  
13 **Section 679 (1) (i) and (j) and notes**

14 *substitute*

15 (i) an interim intensive therapy order;

16 *Note* Interim intensive therapy orders are dealt with in div 16.2.3.

17 (j) an intensive therapy order.

18 *Note* Intensive therapy orders are dealt with in pt 16.2.

19 **14 Safe custody warrant—criteria**  
20 **Section 686 (1) (a) (vi) and (vii) and notes**

21 *substitute*

22 (vi) an interim intensive therapy order; and

23 *Note* Interim intensive therapy orders are dealt with in div 16.2.3.

24 (vii) an intensive therapy order;

25 *Note* Intensive therapy orders are dealt with in pt 16.2.

**15 Section 686 (2)**

*substitute*

(2) The magistrate may also issue a safe custody warrant for a child or young person, for stated premises, if satisfied that—

(a) an intensive therapy order, or an interim intensive therapy order, is in force for the child or young person; and

(b) there are reasonable grounds for suspecting that—

(i) the child or young person is absent without lawful authority or excuse from the intensive therapy place where the child or young person has been directed to be confined under the order; and

(ii) the child or young person is at the premises or may be at the premises within the next 14 days.

**16 Orders—statement of reasons  
Section 722 (1) (b) and note**

*substitute*

(b) hears and decides an application for—

(i) extension of an intensive therapy order under section 564;  
or

(ii) amendment of an intensive therapy order under section 566; or

(iii) revocation of an intensive therapy order under section 567.

*Note* The court must record a written statement of reasons for these decisions (see s 565 and s 573).

**17 Section 841**

2 *substitute*

**3 841 Application—ch 25**

4 (1) The provisions of this chapter apply to the following in the same way  
5 as they apply to young offenders and young detainees who are under  
6 18 years old:

7 (a) an adult who is under 21 years old (a *young adult*) being dealt  
8 with by a police officer or held in police custody in relation to a  
9 youth offence;

10 (b) young adults being dealt with under the criminal law system for  
11 a youth offence;

12 (c) young offenders and young detainees who are adults.

13 (2) In this section:

14 *youth offence*, in relation to a young adult, means an offence  
15 committed or allegedly committed by the young adult when under  
16 18 years old.

**17 18 What is sensitive information?  
18 Section 845 (1), definition of sensitive information,  
19 new paragraph (ba)**

20 *insert*

21 (ba) intensive therapy information;

- 1 **19 Section 845 (2)**  
2 **New definition of *intensive therapy information***
- 3 *insert*
- 4 *intensive therapy information* means information—
- 5 (a) about anything said or done to facilitate, or anything said or done  
6 at, a meeting of the therapeutic support panel; or
- 7 (b) in a report, or record, about whether action should be taken that  
8 would result in a child or young person being in intensive  
9 therapy; or
- 10 (c) about anything said or done, or in a report or record, relevant to  
11 the implementation of an interim intensive therapy order or an  
12 intensive therapy order; or
- 13 (d) used for the preparation of a therapy plan.
- 14 **20 Who is an *information sharing entity*?**  
15 **New section 859 (1) (ha)**
- 16 *insert*
- 17 (ha) the chair of the therapeutic support panel;
- 18 **21 Care teams—sharing safety and wellbeing information**  
19 **Section 863 (1), example 9**
- 20 *substitute*
- 21 9 an intensive therapy service

**22** **New section 871A**

2 *insert*

3 **871A** **Evidence relating to children and young people under**  
4 **age of criminal responsibility in intensive therapy etc**  
5 **inadmissible in criminal proceeding**

6 (1) Evidence of anything said or done by, or an opinion or observation  
7 about, a child or young person under the age of criminal responsibility  
8 for an offence is inadmissible in any criminal proceeding able to be  
9 brought against the child or young person, if the evidence is based on  
10 information brought into existence for the purpose of any of the  
11 following:

- 12 (a) a referral to the therapeutic support panel;  
13 (b) the exercise of a function of the therapeutic support panel;  
14 (c) the preparation of a therapy plan;  
15 (d) a child or young person in intensive therapy;  
16 (e) the implementation of an interim intensive therapy order or  
17 intensive therapy order.

18 (2) A reference in subsection (1) to a criminal proceeding able to be  
19 brought against a child or young person includes a criminal  
20 proceeding able to be brought when the child or young person is an  
21 adult.

22 (3) In this section:

23 *under the age of criminal responsibility*—a person is *under the age*  
24 *of criminal responsibility* for an offence if the person is not  
25 criminally responsible under the [Criminal Code](#), section 25 for the  
26 offence.

1 **23 Protection of people giving certain information**  
2 **New section 874 (2) (ma)**

3 *insert*

4 (ma) an information sharing entity to the chair of the therapeutic  
5 support panel under section 501P (Power to obtain information  
6 from information sharing entity); and

7 **24 Standard-making power**  
8 **Section 887 (2) (e) and note**

9 *substitute*

10 (e) the operation of intensive therapy places and services (*intensive*  
11 *therapy standards*);

12 *Note* A child or young person may be confined at an intensive therapy  
13 place under an intensive therapy order (see pt 16.2).

14 **25 Dictionary, definition of *accredited person*,**  
15 **paragraph (b)**

16 *substitute*

17 (b) for a child or young person in intensive therapy, for  
18 division 16.3.3 (Visits by accredited people)—see section 578.

19 **26 Dictionary, definition of *body search***

20 *substitute*

21 *body search*, of a young detainee, for chapter 7 (Criminal matters—  
22 search and seizure at detention places)—see section 246.

23 **27 Dictionary, definition of *frisk search***

24 *substitute*

25 *frisk search*, for chapter 7 (Criminal matters—search and seizure at  
26 detention places)—see section 246.

**28 Dictionary, new definition of *in intensive therapy***

*insert*

*in intensive therapy*—see section 576.

**29 Dictionary, definition of *initial review***

*substitute*

*initial review*, for division 16.2.5 (Review of intensive therapy orders)—see section 555 (2).

**30 Dictionary, definition of *in need of emergency therapeutic protection***

*omit*

**31 Dictionary, new definitions**

*insert*

*intensive therapy history*, for a child or young person who has been confined under an intensive therapy order—see section 537.

*intensive therapy order*, for a child or young person—see section 532.

*intensive therapy person*, for chapter 16 (Care and protection—intensive therapy for children and young people)—see section 530.

*intensive therapy place*—see section 535.

*intensive therapy register*, for chapter 16 (Care and protection—intensive therapy for children and young people)—see section 596 (1).

*intensive therapy standards*—see section 887 (2) (e).

*interim intensive therapy order*, for a child or young person—see section 543.

- 1 **32** Dictionary, definitions of *interim therapeutic protection*  
2 *order* and *in therapeutic protection*
- 3 *omit*
- 4 **33** Dictionary, definition of *mental illness*
- 5 *substitute*
- 6 *mental illness*—see the [Mental Health Act 2015](#), section 10.
- 7 **34** Dictionary, definition of *non-treating doctor* etc
- 8 *substitute*
- 9 *non-treating doctor*—
- 10 (a) for chapter 6 (Criminal matters—detention places)—see  
11 section 137; and
- 12 (b) for chapter 7 (Criminal matters—search and seizure at detention  
13 places)—see section 246.
- 14 *non-treating health practitioner*, for the criminal matters chapters—  
15 see section 98.
- 16 *non-treating nurse*—
- 17 (a) for part 6.7 (Alcohol and drug testing)—see section 235; and
- 18 (b) for chapter 7 (Criminal matters—search and seizure at detention  
19 places)—see section 246.
- 20 *ongoing review*, for division 16.2.5 (Review of intensive therapy  
21 orders)—see section 556 (2).
- 22 *ordinary search*, for chapter 7 (Criminal matters—search and seizure  
23 at detention places)—see section 246.

**35 Dictionary, definition of *owner*, paragraph (b)**

1 *substitute*

2 (b) for division 16.3.4 (Searches and seizure)—see section 582.

**36 Dictionary, new definitions**

4 *insert*

5 *referral*, of a child or young person, for chapter 14A (Care and  
6 protection—therapeutic support panel for children and young  
7 people)—see section 501A.

8 *referring entity*, for chapter 14A (Care and protection—therapeutic  
9 support panel for children and young people)—see section 501A.

**37 Dictionary, definition of *risk assessment* etc**

11 *substitute*

12 *risk assessment*, for a child or young person, for chapter 16 (Care and  
13 protection—intensive therapy for children and young people)—see  
14 section 534 (1).

15 *scanning search*, for chapter 7 (Criminal matters—search and seizure  
16 at detention places)—see section 246.

17 *strip search*, for chapter 7 (Criminal matters—search and seizure at  
18 detention places)—see section 246.

**38 Dictionary**

19 *omit the definitions of*

20 *therapeutic protection history*

21 *therapeutic protection order*

22 *therapeutic protection person*

23 *therapeutic protection place*

1            *therapeutic protection plan*  
2            *therapeutic protection register*  
3            *therapeutic protection standards*  
4            *therapeutic protection transition plan*

5    **39    Dictionary, new definitions**

6            *insert*

7            *therapeutic support panel* means the Therapeutic Support Panel for  
8            Children and Young People established under section 501B.

9            *therapy plan*, for a child or young person for whom the  
10            director-general has applied for an intensive therapy order—see  
11            section 536.

12            *therapy transition plan*, for a child or young person, for chapter 16  
13            (Care and protection—intensive therapy for children and young  
14            people)—see section 538.

1 **Part 3** **Crimes Act 1900**

2 **40** **Rules for conduct of strip search**

3 **Section 228 (1) (e)**

4 *omit*

5 under 10

6 *substitute*

7 under the age of criminal responsibility

8 **41** **Section 228 (1) (f)**

9 *omit*

10 at least 10 but under 18

11 *substitute*

12 not under the age of criminal responsibility for the offence for which  
13 the person is arrested but is under 18 years old,

14 **42** **Identification parades for suspects under 18 etc**

15 **Section 234 (1)**

16 *substitute*

17 (1) An identification parade must not be held for a suspect who is under  
18 the age of criminal responsibility.

19 **43** **Section 234 (3) (a)**

20 *substitute*

21 (a) is not under the age of criminal responsibility for the offence for  
22 which the person is suspected, but under 18 years old; and

1	<b>44</b>	<b>Subdivision 10.7.1 heading</b>
2		<i>substitute</i>
3	<b>Subdivision 10.7.1</b>	<b>Arrest of children under the age of</b>
4		<b>criminal responsibility</b>
5	<b>45</b>	<b>Section 252A heading</b>
6		<i>substitute</i>
7	<b>252A</b>	<b>Warrant for arrest of child under the age of criminal</b>
8		<b>responsibility</b>
9	<b>46</b>	<b>Section 252A (1)</b>
10		<i>omit</i>
11		10 years old
12		<i>substitute</i>
13		the age of criminal responsibility
14	<b>47</b>	<b>Section 252B heading</b>
15		<i>substitute</i>
16	<b>252B</b>	<b>Arrest of child under the age of criminal responsibility—</b>
17		<b>without warrant</b>
18	<b>48</b>	<b>Section 252B (1)</b>
19		<i>omit</i>
20		10 years old
21		<i>substitute</i>
22		the age of criminal responsibility

1	<b>49</b>	<b>Section 252C heading</b>
2		<i>substitute</i>
3	<b>252C</b>	<b>Police action after arresting child under the age of</b>
4		<b>criminal responsibility</b>
5	<b>50</b>	<b>Section 252C (1)</b>
6		<i>omit</i>
7		10 years old
8		<i>substitute</i>
9		the age of criminal responsibility
10	<b>51</b>	<b>Section 252J heading</b>
11		<i>substitute</i>
12	<b>252J</b>	<b>Police to summons young people unless ineffective</b>
13	<b>52</b>	<b>Section 252J</b>
14		<i>omit</i>
15		child or
16	<b>53</b>	<b>Section 252K heading</b>
17		<i>substitute</i>
18	<b>252K</b>	<b>Parents etc to be told if young people charged</b>
19	<b>54</b>	<b>Section 252K</b>
20		<i>omit</i>
21		child or

**55 New section 442A***insert***442A Record of youth offence particulars not to be disclosed in court proceedings**

(1) A record that discloses particulars of the following kind about a person must not be disclosed to a court in a proceeding involving the person unless the particulars have been omitted:

(a) a conviction or finding of guilt against the person for a youth offence;

(b) any action carried out by a police officer in relation to the person for a youth offence;

**Examples—action carried out by a police officer**

- questioning
- administering a caution
- enforcing a warrant
- arrest

(c) a failure by the person to comply with—

(i) a direction given by a police officer, or any other person acting under a territory law, in relation to a youth offence or a criminal proceeding for a youth offence; or

(ii) an order made by a court in a criminal proceeding for a youth offence;

(d) a direction or order made by a court, in relation to a criminal proceeding for a youth offence, that identifies the person;

**Examples—court direction or order identifying the person**

- an order granting bail to the person
- an order dismissing an appeal by the person

- 1 (e) a finding that the person was not guilty of a youth offence;  
2 (f) withdrawal of charges against the person for a youth offence.

3 (2) In this section:

4 ***youth offence*** means an offence against a territory law committed or  
5 allegedly committed by the person when under 12 years old.

6 **56 Record of youth offence particulars not to be disclosed in**  
7 **court proceedings**  
8 **Section 442A (2)**

9 *substitute*

10 (2) However, a record disclosing particulars mentioned in subsection (1)  
11 may be disclosed to the court if the youth offence to which the  
12 particulars relate was a schedule offence committed or allegedly  
13 committed by the person when the person was at least 12 years old.

14 (3) In this section:

15 ***schedule offence***—means an offence mentioned in the [Criminal](#)  
16 [Code](#), schedule 1, column 2.

17 ***youth offence*** means an offence against a territory law committed or  
18 allegedly committed by the person when under 14 years old.

**57 New part 33***insert***Part 33 Transitional—Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023****Division 33.1 General****622 Definitions—pt 33**

In this part:

*commencement day* means the day the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 57 commences.

*youth offence* means an offence against a territory law committed or alleged to have been committed by a person who was under 12 years old when the offence happened.

**623 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

1    **624       Expiry—pt 33**

2       This part expires 5 years after the commencement day.

3       *Note*     A transitional provision is repealed on its expiry but continues to have  
4                effect after its repeal (see [Legislation Act](#), s 88).

5    **Division 33.2       Ending action etc for youth offences**

6    **625       Application—div 33.2**

7       This division applies, despite any territory law to the contrary, to a  
8       person who is—

- 9           (a) in police custody in relation to a youth offence, whether or not  
10           the person has been charged with the offence; or
- 11          (b) subject to a criminal proceeding for a youth offence; or
- 12          (c) subject to a sentencing order for a youth offence.

13   **626       Law enforcement action**

14          (1) Law enforcement action carried out by a police officer in relation to  
15              a person for a youth offence before the commencement day ends on  
16              the commencement day.

17          (2) If the law enforcement action that ends under subsection (1) is arrest  
18              or police custody, the chief police officer must ensure that reasonable  
19              steps are taken to ensure the safety of the person on the person's  
20              release from arrest or custody.

21          (3) In this section:

22              *law enforcement action* means any of the following actions:

- 23              (a) execution of a warrant;
- 24              (b) arrest;
- 25              (c) police custody;

1 (d) beginning a criminal proceeding;

2 (e) administration of police bail.

3 **627 Criminal procedures, proceedings and sentences**

4 (1) A summons issued for a youth offence is withdrawn and ceases to  
5 have effect on the commencement day.

6 (2) A warrant issued for a youth offence is revoked and ceases to have  
7 effect on the commencement day.

8 (3) A decision of a police officer to grant or refuse to grant bail to a  
9 person for a youth offence ceases to have effect and the person is  
10 entitled to be at liberty on the commencement day.

11 (4) A decision of a court to grant or refuse to grant bail to a person, or  
12 otherwise remand a person, in a criminal proceeding for a youth  
13 offence ceases to have effect and the person is entitled to be at liberty  
14 on the commencement day.

15 (5) A criminal proceeding against a person for a youth offence is  
16 discontinued on the commencement day.

17 (6) A sentence imposed on a person for a youth offence ends on the  
18 commencement day.

19 (7) In this section:

20 *court attendance notice*—see the *Magistrates Court Act 1930*,  
21 section 41B.

22 *summons* includes a court attendance notice.

23 **628 Destruction of forensic material etc**

24 (1) This section applies if, before the commencement day, any of the  
25 following happened in relation to a person who committed a youth  
26 offence:

27 (a) identification material was taken from the person;

- 1 (b) forensic material was taken from the person;
- 2 (c) a forensic procedure was carried out on the person.
- 3 (2) The chief police officer must ensure the destruction of each of the
- 4 following:
- 5 (a) the identification material;
- 6 (b) the forensic material;
- 7 (c) any information obtained from the forensic material;
- 8 (d) any record of a thing mentioned in paragraph (a) to (c).
- 9 (3) The chief police officer must also ensure any information about a
- 10 thing mentioned in subsection (2) entered into a database or record by
- 11 a police officer is removed from the database or record.
- 12 (4) In this section:
- 13 *forensic material*—see the *Crimes (Forensic Procedures) Act 2000*,
- 14 section 5.
- 15 *forensic procedure*—see the *Crimes (Forensic Procedures)*
- 16 *Act 2000*, section 5.
- 17 *identification material*, in relation to a person—see section 185.

18 **629 Release of person from custody**

- 19 (1) This section applies if, on the commencement day, the
- 20 director-general responsible for the *Crimes (Sentence*
- 21 *Administration) Act 2005* is required under this part to release from
- 22 custody a person who committed, or is alleged to have committed, a
- 23 youth offence.
- 24 (2) The director-general responsible for that Act must ensure that
- 25 reasonable steps are taken to ensure the safety of the person on the
- 26 person's release from custody.

1 **Division 33.3**                    **Validity of past criminal justice action**

2 **630**            **Meaning of *criminal justice action*—div 33.3**

3            In this division:

4            *criminal justice action*, for a youth offence, includes any of the  
5 following:

- 6            (a) investigating, apprehending, arresting, detaining, charging, or  
7 prosecuting a person for the youth offence;
- 8            (b) adjudicating a charge against a person for the youth offence;
- 9            (c) convicting or sentencing a person for the youth offence;
- 10           (d) administering or enforcing any pre-sentence orders or sentence  
11 for the youth offence;
- 12           (e) enforcing a requirement to pay a fine, costs, restitution,  
13 compensation or other money as a result of being found guilty,  
14 convicted, or sentenced for the youth offence.

15 **631**            **Past lawful acts not affected**

16            The commencement of the *Justice (Age of Criminal Responsibility)*  
17 *Legislation Amendment Act 2023* does not affect the validity of  
18 criminal justice action, for a youth offence, under a territory law  
19 before the commencement day.

20 **632**            **Protection from liability**

- 21            (1) A person is not personally liable for any criminal justice action for a  
22 youth offence done or omitted to be done honestly and without  
23 recklessness before the commencement day—
- 24            (a) in the exercise of a function under a territory law; or
- 25            (b) in the reasonable belief that the act or omission was in the  
26 exercise of a function under a territory law.

- 1 (2) Any liability that, apart from subsection (1), would attach to a person  
2 attaches instead to the Territory.

3 **633 No entitlement to compensation etc**

4 A person who committed a youth offence before the commencement  
5 day is not, because of the enactment of the *Justice (Age of Criminal*  
6 *Responsibility) Legislation Amendment Act 2023*, entitled to  
7 compensation or damages as a result of any criminal justice action for  
8 the offence.

9 **58 New part 34**

10 *insert*

11 **Part 34 Transitional—Justice (Age of**  
12 **Criminal Responsibility)**  
13 **Legislation Amendment Act 2023**

14 **Division 34.1 General**

15 **634 Definitions—pt 34**

16 In this part:

17 *commencement day* means the day the *Justice (Age of Criminal*  
18 *Responsibility) Legislation Amendment Act 2023*, section 58  
19 commences.

20 *schedule offence*—means an offence mentioned in the [Criminal](#)  
21 [Code](#), schedule 1, column 2.

22 *youth offence* means an offence against a territory law, other than a  
23 schedule offence, committed or alleged to have been committed by a  
24 person who was at least 12 years old but under 14 years old when the  
25 offence happened.

1 **635 Transitional regulations**

- 2 (1) A regulation may prescribe transitional matters necessary or  
3 convenient to be prescribed because of the enactment of the *Justice*  
4 *(Age of Criminal Responsibility) Legislation Amendment Act 2023*.
- 5 (2) A regulation may modify this part (including in relation to another  
6 territory law) to make provision in relation to anything that, in the  
7 Executive's opinion, is not, or is not adequately or appropriately,  
8 dealt with in this part.
- 9 (3) A regulation under subsection (2) has effect despite anything  
10 elsewhere in this Act.

11 **636 Expiry—pt 34**

12 This part expires 5 years after the commencement day.

13 *Note* A transitional provision is repealed on its expiry but continues to have  
14 effect after its repeal (see [Legislation Act](#), s 88).

15 **Division 34.2 Ending action etc for youth offences**

16 **637 Application—div 34.2**

17 This division applies, despite any territory law to the contrary, to a  
18 person who is—

- 19 (a) in police custody in relation to a youth offence, whether or not  
20 the person has been charged with the offence; or
- 21 (b) subject to a criminal proceeding for a youth offence; or
- 22 (c) subject to a sentencing order for a youth offence.

23 **638 Law enforcement action**

- 24 (1) Law enforcement action carried out by a police officer in relation to  
25 a person for a youth offence before the commencement day ends on  
26 the commencement day.

- 1 (2) If the law enforcement action that ends under subsection (1) is arrest  
2 or police custody, the chief police officer must ensure that reasonable  
3 steps are taken to ensure the safety of the person on the person's  
4 release from arrest or custody.
- 5 (3) In this section:  
6 *law enforcement action* means any of the following actions:  
7 (a) enforcement of a warrant;  
8 (b) arrest;  
9 (c) police custody;  
10 (d) beginning a criminal proceeding;  
11 (e) administration of police bail.

12 **639 Criminal procedures, proceedings and sentences**

- 13 (1) A summons issued for a youth offence is withdrawn and ceases to  
14 have effect on the commencement day.
- 15 (2) A warrant issued for a youth offence is revoked and ceases to have  
16 effect on the commencement day.
- 17 (3) A decision of a police officer to grant or refuse to grant bail to a  
18 person for a youth offence ceases to have effect and the person is  
19 entitled to be at liberty on the commencement day.
- 20 (4) A decision of a court to grant or refuse to grant bail to a person, or  
21 otherwise remand a person, in a criminal proceeding for a youth  
22 offence ceases to have effect and the person is entitled to be at liberty  
23 on the commencement day.
- 24 (5) A criminal proceeding against a person for a youth offence is  
25 discontinued on the commencement day.
- 26 (6) A sentence imposed on a person for a youth offence ends on the  
27 commencement day.

- 1 (7) In this section:  
2 *court attendance notice*—see the *Magistrates Court Act 1930*,  
3 section 41B.  
4 *summons* includes a court attendance notice.

5 **640 Destruction of forensic material etc**

- 6 (1) This section applies if, before the commencement day, any of the  
7 following happened in relation to a person who committed a youth  
8 offence:  
9 (a) identification material was taken from the person;  
10 (b) forensic material was taken from the person;  
11 (c) a forensic procedure was carried out on the person.  
12 (2) The chief police officer must ensure the destruction of each of the  
13 following:  
14 (a) the identification material;  
15 (b) the forensic material;  
16 (c) any information obtained from the forensic material;  
17 (d) any record of a thing mentioned in paragraph (a) to (c).  
18 (3) The chief police officer must also ensure any information about a  
19 thing mentioned in subsection (2) entered into a database or record by  
20 a police officer is removed from the database or record.  
21 (4) In this section:  
22 *forensic material*—see the *Crimes (Forensic Procedures) Act 2000*,  
23 section 5.  
24 *forensic procedure*—see the *Crimes (Forensic Procedures)*  
25 *Act 2000*, section 5.  
26 *identification material*, in relation to a person—see section 185.

1   **641       Release of person from custody**

2       (1) This section applies if, on the commencement day, the  
3       director-general responsible for the *Crimes (Sentence*  
4       *Administration) Act 2005* is required under this part to release from  
5       custody a person who committed, or is alleged to have committed, a  
6       youth offence.

7       (2) The director-general responsible for that Act must ensure that  
8       reasonable steps are taken to ensure the safety of the person on the  
9       person's release from custody.

10   **Division 34.3        Validity of past criminal justice action**

11   **642       Meaning of *criminal justice action*—div 34.3**

12       In this division:

13       *criminal justice action*, for a youth offence, includes any of the  
14       following:

- 15       (a) investigating, apprehending, arresting, detaining, charging, or  
16       prosecuting a person for the youth offence;
- 17       (b) adjudicating a charge against a person for the youth offence;
- 18       (c) convicting or sentencing a person for the youth offence;
- 19       (d) administering or enforcing any pre-sentence orders or sentence  
20       for the youth offence;
- 21       (e) enforcing a requirement to pay a fine, costs, restitution,  
22       compensation or other money as a result of being found guilty,  
23       convicted, or sentenced for the youth offence.

1    **643       Past lawful acts not affected**

2           The commencement of the *Justice (Age of Criminal Responsibility)*  
3           *Legislation Amendment Act 2023* does not affect the validity of  
4           criminal justice action, for a youth offence, under a territory law  
5           before the commencement day.

6    **644       Protection from liability**

7           (1) A person is not personally liable for any criminal justice action for a  
8           youth offence done or omitted to be done honestly and without  
9           recklessness before the commencement day—

10           (a) in the exercise of a function under a territory law; or

11           (b) in the reasonable belief that the act or omission was in the  
12           exercise of a function under a territory law.

13           (2) Any liability that, apart from subsection (1), would attach to a person  
14           attaches instead to the Territory.

15    **645       No entitlement to compensation etc**

16           A person who committed a youth offence before the commencement  
17           day is not, because of the enactment of the *Justice (Age of Criminal*  
18           *Responsibility) Legislation Amendment Act 2023*, entitled to  
19           compensation or damages as a result of any criminal justice action for  
20           the offence.

21    **59       Dictionary, new definition of *under the age of criminal***  
22           ***responsibility***

23           *insert*

24           *under the age of criminal responsibility*—a person is *under the age*  
25           *of criminal responsibility* for an offence if the person is not  
26           criminally responsible under the [Criminal Code](#), section 25 for the  
27           offence.

1 **Part 4** **Crimes (Restorative Justice)**  
2 **Act 2004**

3 **60** **Objects of Act**  
4 **Section 6 (e), except note**

5 *substitute*

6 (e) to enable access to restorative justice in relation to offenders and  
7 offences not dealt with by the criminal justice process;

8 (f) to enable referral of offences for restorative justice by—

9 (i) agencies that have a role in the criminal justice system; and

10 (ii) entities that have a role in dealing with offenders, and harm  
11 caused by offences, not dealt with by the criminal justice  
12 process.

13 **61** **Section 6, new note**

14 *insert*

15 *Note 2* **Offender** includes a person who carries out an offence but cannot be held  
16 criminally responsible because of their age (see s 12).

17 **62** **Application of restorative justice**  
18 **Section 7 (1), note**

19 *substitute*

20 *Note* **Referring entities** are listed in table 22 and include agencies responsible  
21 for the various stages of the criminal justice process in relation to an  
22 offence, an entity responsible for dealing with offenders not dealt with by  
23 the criminal justice process and any entities prescribed by regulation.

1 **63** **Definitions—*child victim, parent and victim***  
2 **Section 11, definition of *victim*, paragraph (a)**

3 *substitute*

4 (a) has the meaning given by the *Victims of Crime Act 1994*,  
5 section 6; and

6 **64** **Definitions—offences and offenders**  
7 **Section 12, new definition of *child offender***

8 *insert*

9 *child offender*, in relation to an offence, means an offender who was  
10 at least 10 years old but under the age of criminal responsibility for  
11 the offence when the offence was committed or allegedly committed.

12 **65** **Section 12, definition of *young offender***

13 *substitute*

14 *young offender*, in relation to an offence, means an offender who was  
15 under 18 years old but not under the age of criminal responsibility for  
16 the offence when the offence was committed or allegedly committed.

17 **66** **New section 12 (2)**

18 *insert*

19 (2) In this section:

20 *under the age of criminal responsibility*—a person is *under the age*  
21 *of criminal responsibility* for an offence if the person is not  
22 criminally responsible under the *Criminal Code*, section 25 for the  
23 offence.

1 **67 Application of Act—less serious offences**  
2 **Section 14**

3 *before*

4 young offender

5 *insert*

6 child offender,

7 **68 Sections 15 and 16**

8 *substitute*

9 **15 Application of Act—serious offences**

- 10 (1) This Act applies to a serious offence committed by a child offender.
- 11 (2) This Act applies to a serious offence committed by a young offender  
12 or adult offender, if the offender—
- 13 (a) is charged with the offence; and
- 14 (b) either—
- 15 (i) pleads guilty to the offence; or
- 16 (ii) is found guilty of the offence (whether or not the offender  
17 is convicted or sentenced for the offence).
- 18 (3) This Act applies to a serious offence committed by a child offender,  
19 young offender or adult offender, even if the offence was committed  
20 before the day this section commenced.
- 21 (4) This section does not apply to a family violence offence or a sexual  
22 offence.

23 *Note* For the application of this Act to family violence offences and sexual  
24 offences, see s 16.

- 
- 1     **16           Application of Act—family violence offences and sexual**  
2     **offences**
- 3           (1) This Act applies to a less serious family violence offence or a less  
4           serious sexual offence committed by a child offender, young offender  
5           or adult offender.
- 6           (2) For a young offender or adult offender, subsection (1) applies whether  
7           or not the young offender or adult offender is charged with the  
8           offence.
- 9           *Note 1*   An offence may have been committed if it is alleged that the offence was  
10          committed (see s 12, def *commission*).
- 11          *Note 2*   For the director-general to decide that a less serious family violence  
12          offence or a less serious sexual offence committed by a young offender  
13          or an adult offender is suitable for restorative justice under pt 7 before the  
14          offender pleads guilty to the offence or is found guilty of the offence, the  
15          director-general must be satisfied that exceptional circumstances exist for  
16          the calling of a restorative justice conference (see s 33 (2)).
- 17          (3) This Act applies to a serious family violence offence or a serious  
18          sexual offence committed by a child offender.
- 19          (4) This Act applies to a serious family violence offence or a serious  
20          sexual offence committed by a young offender or adult offender if—
- 21               (a) the offender is charged with the offence; and
- 22               (b) either—
- 23                     (i) the offender pleads guilty to the offence; or
- 24                     (ii) the offender is found guilty of the offence (whether or not  
25                        the offender is convicted or sentenced for the offence).
- 26          (5) This Act applies to a family violence offence or a sexual offence  
27          committed by a child offender, young offender or adult offender even  
28          if the offence was committed before the day this section commenced.

- 1 **69** **Eligible offenders**  
2 **Section 19 (1) (b)**
- 3 *substitute*
- 4 (b) any of the following apply to the offender:
- 5 (i) the offender accepts responsibility for the commission of  
6 the offence;
- 7 (ii) if the offender is a young offender and the offence is a less  
8 serious offence—the offender does not deny responsibility  
9 for the commission of the offence;
- 10 (iii) if the offender is a child offender—the offender does not  
11 deny responsibility for the commission of the offence; and
- 12 (c) the offender agrees to take part in restorative justice.
- 13 **70** **Accepting or not denying responsibility for offences**  
14 **Section 20 (1)**
- 15 *omit*
- 16 section 19 (1) (b) (i)
- 17 *substitute*
- 18 section 19 (1) (b)
- 19 **71** **Section 20 (2)**
- 20 *omit*
- 21 or young offender

**72 Section 20 (2)**

- 1  
2 *omit*  
3 section 19 (1) (b) (i)  
4 *substitute*  
5 section 19 (1) (b)

**73 Section 20, notes 1 and 2**

- 6  
7 *substitute*
- 8 *Note 1* To be eligible to take part in restorative justice, an offender must accept  
9 responsibility for the commission of the offence or, if the offender is a  
10 young offender and the offence is a less serious offence or the offender is  
11 a child offender, must not deny responsibility for the commission of the  
12 offence (see s 19).
- 13 *Note 2* The *Crimes (Sentencing) Act 2005*, s 33 (1) (y) provides that, in deciding  
14 how an offender should be sentenced (if at all) for an offence, the matters  
15 known to the court that it must consider include whether this *Act*,  
16 s 19 (1) (b) applies to the offender.
- 17 However, the *Crimes (Sentencing) Act 2005*, s 34 (1) (h) provides that a  
18 court must not increase the severity of the sentence that it would  
19 otherwise impose on a person for an offence because the offender has  
20 chosen not to take part, or to continue to take part, in restorative justice  
21 for the offence.

**74 Referring entities  
Section 22 (1)**

- 22  
23 *substitute*
- 24  
25 (1) An entity mentioned in table 22, column 2 (a *referring entity*) may  
26 refer an offence for restorative justice at the stage described for the  
27 entity in column 3 in relation to the offence.
- 28 (1A) However, for an offence involving a child offender, the referring  
29 entity may refer the offence for restorative justice at any time.

## Section 75

1	<b>75</b>	<b>Section 22 (2), new definition of <i>therapeutic support panel</i></b>	
2			
3		<i>insert</i>	
4		<i>therapeutic support panel</i> —see the <i>Children and Young People Act 2008</i> , dictionary.	
5			
6	<b>76</b>	<b>Table 22, column 3 heading</b>	
7		<i>omit</i>	
8		<b>stage of criminal justice process</b>	
9		<i>substitute</i>	
10		<b>stage when referral may be made</b>	
11	<b>77</b>	<b>Table 22, item 6</b>	
12		<i>substitute</i>	
6		therapeutic support panel	at any time after a child offender has been referred to the panel
7		referring entity prescribed by regulation	stage prescribed by regulation
13	<b>78</b>	<b>Suitability—general considerations</b>	
14		<b>Section 33 (1) (c)</b>	
15		<i>substitute</i>	
16		(c) the appropriateness of restorative justice at the current stage of	
17		the criminal justice process or any other process associated with	
18		the offence;	

- 1 **79 Dictionary, new definition of *child offender***
- 2 *insert*
- 3 *child offender*, in relation to an offence—see section 12.

1 **Part 5** **Crimes (Sentencing) Act 2005**

2 **80** **Imposition of penalties**  
3 **Section 9 (2), note 1, new dot point**

4 *insert*

- 5 • therapeutic correction orders (young offenders only) (see pt 8A.2A)

6 **81** **Application—pt 3.4**  
7 **New section 22 (d)**

8 *insert*

9 (d) a therapeutic correction order.

10 **82** **Non-association and place restriction orders—maximum**  
11 **period**  
12 **Section 24 (1) (a) (i)**

13 *substitute*

- 14 (i) if the order is made with an intensive correction order, a  
15 drug and alcohol treatment order or a therapeutic  
16 correction order—24 months; or

17 **83** **Core conditions**  
18 **Section 80Y (3), definition of *positive***

19 *omit*

20 **84** **Treatment program conditions**  
21 **New section 80Z (3)**

22 *insert*

23 (3) In this section:

24 *positive*, for a test sample—see the *Corrections Management*  
25 *Act 2007*, dictionary.

1 **85 Young offenders—notice of orders to parent etc**  
2 **New section 133J (1) (l) to (n)**

3 *insert*

4 (l) section 133XB (5) (Therapeutic correction orders);

5 (m) section 133XU (7) (Therapeutic correction orders—review);

6 (n) section 133XV (1) (Therapeutic correction orders—notice of  
7 proposed review).

8 **86 New part 8A.2A**

9 *insert*

10 **Part 8A.2A Young offenders—therapeutic**  
11 **correction orders**

12 **Division 8A.2A.1 Preliminary**

13 **133XA Definitions—pt 8A.2A**

14 In this part:

15 *assessor*—see section 133XG (3).

16 *core conditions*, of a therapeutic correction order—see  
17 section 133XN (1).

18 *sentencing court*, for a young offender subject to a therapeutic  
19 correction order, means the court by which the sentence was first  
20 imposed, and includes that court differently constituted.

21 *therapeutic correction assessment*—see section 133XG (2) (a) (i).

22 *therapeutic correction conditions*—see section 133XO (1).

23 *therapeutic correction obligations*—see section 133XD.



- 1 (8) In this section:
- 2 *sentencing order* means any of the following:
- 3 (a) an order for imprisonment by full-time detention;
- 4 (b) a suspended sentence order;
- 5 (c) an intensive correction order;
- 6 (d) a deferred sentence order;
- 7 (e) a parole order;
- 8 (f) an order under a law in force in Australia that corresponds to an
- 9 order mentioned in paragraphs (a) to (e).

10 **133XC Therapeutic correction order—maximum period**

11 A therapeutic correction order must—

- 12 (a) be for a period not longer than 4 years; and
- 13 (b) state when it starts and ends.

14 **133XD Therapeutic correction order—young offender**

15 **obligations**

16 A young offender subject to a therapeutic correction order has the

17 following obligations (the *therapeutic correction obligations*):

- 18 (a) the core conditions of the order;
- 19 (b) the therapeutic correction conditions;
- 20 (c) any other obligation created by the court as part of the order.

1 **133XE Court may make ancillary orders to achieve object of**  
2 **therapeutic correction order**

3 The court may make any order that is not inconsistent with this Act  
4 or the *Crimes (Sentence Administration) Act 2005*, that the court  
5 considers appropriate to achieve the object of a therapeutic correction  
6 order.

7 **Division 8A.2A.3 Therapeutic correction orders—**  
8 **suitability**

9 **133XF Therapeutic correction orders—requirement for**  
10 **assessment and therapeutic correction plan**

11 The court must not make a therapeutic correction order for a young  
12 offender unless the court has—

- 13 (a) considered a therapeutic correction assessment for the offender;  
14 and  
15 (b) approved a therapeutic correction plan for the offender.

16 **133XG Therapeutic correction assessments**

17 (1) This section applies if the court is considering whether to make a  
18 therapeutic correction order for a young offender.

19 (2) The court must—

20 (a) order the CYP director-general to—

21 (i) prepare an assessment of the offender's suitability for a  
22 therapeutic correction order (a *therapeutic correction*  
23 *assessment*); and

24 (ii) provide a copy of the assessment to the court or any other  
25 stated person; and

26 (b) adjourn the proceeding for the assessment to be prepared.

- 1 (3) The CYP director-general must—
- 2 (a) arrange for a suitable person (an *assessor*) to prepare the
- 3 therapeutic correction assessment; and
- 4 (b) provide a copy of the assessment to the court and any other
- 5 person the court considers should receive a copy.
- 6 (4) The therapeutic correction assessment must address the matters
- 7 mentioned in section 133XH.

8 **133XH Therapeutic correction assessment matters**

9 For section 133XG (4), the matters for assessing the young offender's

10 suitability for a therapeutic correction order are the matters mentioned

11 in table 133XH, column 2.

12 **Table 133XH Assessment of suitability—therapeutic correction order**

column 1 item	column 2 matter	column 3 indication of unsuitability
1	degree of dependence on alcohol or a controlled drug	major problem with alcohol or a controlled drug unlikely to change under a therapeutic correction order
2	psychiatric or psychological condition	major psychiatric or psychological disorder likely to prevent compliance with a therapeutic correction order
3	medical condition	medical condition likely to prevent compliance with a therapeutic correction order
4	response to previous court orders	substantial noncompliance with previous court orders
5	participation and degree of compliance with therapeutic correction assessment	substantial noncompliance with assessment
6	personal circumstances	potential impracticability of compliance with a therapeutic correction order

- 1 **133XI Therapeutic correction assessments—powers of**  
2 **assessors**
- 3 (1) In preparing the therapeutic correction assessment for the young  
4 offender, the assessor may—
- 5 (a) investigate any matter the assessor considers appropriate; and  
6 (b) ask any of the following to provide information for the purpose  
7 of the assessment:
- 8 (i) an administrative unit;  
9 (ii) a territory authority;  
10 (iii) a statutory office-holder;  
11 (iv) for an assessment for an offender to be sentenced for a  
12 family violence offence—an approved crisis support  
13 organisation under the *Domestic Violence Agencies*  
14 *Act 1986*;  
15 (v) a victim of the offence;  
16 (vi) any other entity.
- 17 (2) If an entity mentioned in subsection (1) (b) (i), (ii) or (iii) is asked to  
18 provide information, the entity must comply with the request as soon  
19 as practicable.
- 20 (3) If an entity gives information honestly and with reasonable care in  
21 response to a request under subsection (1), the giving of the  
22 information is not—
- 23 (a) a breach of confidence, professional etiquette, ethics or a rule of  
24 professional misconduct; or  
25 (b) a ground for a civil proceeding for defamation, malicious  
26 prosecution or conspiracy.
- 27 (4) This section does not limit any other power of the assessor to obtain  
28 information for the purpose of the therapeutic correction assessment.

1 (5) A regulation may make provision in relation to the preparation and  
2 provision of therapeutic correction assessments.

3 (6) In this section:

4 *information* includes a document.

5 **133XJ Therapeutic correction assessment—therapeutic**  
6 **correction plan**

7 (1) If the assessor preparing the therapeutic correction assessment  
8 considers a young offender to be suitable for a therapeutic correction  
9 order, the assessor must also prepare a plan (a *therapeutic correction*  
10 *plan*) for the young offender.

11 (2) A therapeutic correction plan must address—

12 (a) any medical, psychological or psychiatric needs relevant to the  
13 offender's rehabilitation; and

14 (b) any other matter prescribed by regulation.

15 **133XK Therapeutic correction assessments—provision to court**

16 The therapeutic correction assessment may be given to the court  
17 orally or in writing.

18 **133XL Therapeutic correction assessments—cross-examination**

19 (1) The prosecutor and the defence may cross-examine the assessor who  
20 prepared the therapeutic correction assessment given to the court.

21 (2) In this section:

22 *defence* means—

23 (a) any lawyer representing a young offender; or

24 (b) if the offender is not legally represented—a person who the  
25 court grants leave to cross-examine on behalf of the offender.

1 **Division 8A.2A.4 Therapeutic correction orders—**  
2 **content**

3 **133XM Content of therapeutic correction order**

4 A therapeutic correction order for a young offender must—

- 5 (a) state the offence to which the order relates; and  
6 (b) record the young offender's conviction for the offence; and  
7 (c) state the total period for which the order is in force; and  
8 (d) state—  
9 (i) the core conditions; and  
10 (ii) the therapeutic correction conditions; and  
11 (iii) any other conditions the court considers appropriate; and  
12 (e) state any relevant therapeutic support for the young offender;  
13 and  
14 (f) require the young offender to—  
15 (i) comply with the order and any other obligations under the  
16 *Crimes (Sentence Administration) Act 2005* for the period  
17 the order is in force; and  
18 (ii) submit to the supervision of the CYP director-general; and  
19 (iii) comply with the directions of the CYP director-general.

20 **133XN Core conditions**

- 21 (1) The *core conditions* of a therapeutic correction order are that a young  
22 offender subject to the order—  
23 (a) must not commit another offence against a law in force in  
24 Australia or elsewhere; and

- 1 (b) if the young offender is charged with an offence against a law in  
2 force in Australia or elsewhere—must tell the  
3 CYP director-general about the charge as soon as possible, but  
4 within 2 days after the day the offender becomes aware of the  
5 charge; and
- 6 (c) must report to a member of the therapeutic correction team for  
7 the order at the places and times directed by a member of the  
8 team; and
- 9 (d) must receive visits from a member of the therapeutic correction  
10 team for the order at the times directed by a member of the team;  
11 and
- 12 (e) if the young offender’s contact details change—must tell the  
13 CYP director-general about the change as soon as possible, but  
14 not later than 1 day after the day the offender becomes aware of  
15 the change of details; and
- 16 (f) must not—
- 17 (i) leave or stay outside the ACT without the permission of  
18 the court for a continuous period of more than 24 hours;  
19 and
- 20 (ii) if the court grants the offender permission to leave or stay  
21 outside the ACT—fail to comply with any condition of the  
22 court’s permission; and
- 23 (g) must—
- 24 (i) appear before the court at the times directed by the court;  
25 and
- 26 (ii) comply with the directions of the court; and

- 1 (h) must comply with any other reasonable direction of—
- 2 (i) a member of the therapeutic correction team for the order;
- 3 or
- 4 (ii) a person prescribed by regulation.
- 5 (2) The court must not amend a condition mentioned in subsection (1).
- 6 (3) In this section:
- 7 *contact details*, of a young offender, means the offender's—
- 8 (a) home address or phone number (if any); and
- 9 (b) work address or phone number (if any); and
- 10 (c) mobile phone number (if any).
- 11 **133XO Therapeutic correction conditions**
- 12 (1) The *therapeutic correction conditions* of a therapeutic correction
- 13 order are that a young offender subject to the order—
- 14 (a) must complete a program of treatment set out under a
- 15 therapeutic correction plan approved by the court; and
- 16 (b) must comply with any other condition imposed by the court as
- 17 necessary to achieve the purpose of the therapeutic correction
- 18 plan.
- 19 (2) Without limiting subsection (1) (b), the court may impose 1 or more
- 20 of the following conditions, requiring the young offender to:
- 21 (a) submit to medical, psychiatric or psychological treatment that is
- 22 relevant to the young offender;
- 23 (b) submit to detoxification at a stated facility that is not a
- 24 correctional centre;

- 1 (c) participate in counselling or programs for treatment relevant  
2 to—
- 3 (i) the young offender’s circumstances; or  
4 (ii) the offending behaviour of the young offender;
- 5 (d) attend meetings with a stated person or class of person for the  
6 therapeutic correction order;
- 7 (e) participate in vocational, educational or employment programs  
8 or courses;
- 9 (f) submit to alcohol and drug testing;
- 10 (g) not return a positive test sample under alcohol and drug testing.

11 *Note* The court may make an accommodation order in relation to a young  
12 offender (see pt 8A.3).

13 (3) In this section:

14 *positive*, for a test sample for alcohol or a drug—see the *Corrections*  
15 *Management Act 2007*, section 133.

16 **Division 8A.2A.5 Therapeutic correction orders—**  
17 **supervision**

18 **133XP CYP director-general to report breach of therapeutic**  
19 **correction obligations**

- 20 (1) This section applies if the CYP director-general believes on  
21 reasonable grounds that a young offender has breached any of the  
22 offender’s therapeutic correction obligations.
- 23 (2) The CYP director-general must report the belief to the sentencing  
24 court.
- 25 (3) A report under this section must be made in writing and set out the  
26 grounds for the CYP director-general’s belief.

- 1 **133XQ Summons to attend court—breach of therapeutic**  
2 **correction obligations**
- 3 (1) This section applies if information, whether in a report under  
4 section 133XP or otherwise, alleging that a young offender has  
5 breached any of the offender’s therapeutic correction obligations is  
6 before the sentencing court.
- 7 (2) The sentencing court may issue a summons directing the young  
8 offender to appear before the court.
- 9 (3) The registrar of the sentencing court must ensure that a copy of the  
10 summons is given to the following people:
- 11 (a) the defence;
- 12 (b) the CYP director-general;
- 13 (c) the director of public prosecutions.
- 14 (4) In this section:
- 15 *defence* means—
- 16 (a) any lawyer representing the young offender; or
- 17 (b) if the offender is not legally represented—the offender.
- 18 **133XR Arrest without warrant—breach of therapeutic correction**  
19 **obligations**
- 20 (1) This section applies if a police officer believes on reasonable grounds  
21 that a young offender has breached any of the offender’s therapeutic  
22 correction obligations.
- 23 (2) The police officer may arrest the young offender without a warrant.
- 24 (3) A police officer who arrests a young offender under this section must,  
25 as soon as practicable, bring the offender before the sentencing court.

- 1           (4) However, if the sentencing court is not sitting, the police officer must,  
2           as soon as practicable, bring the young offender before a magistrate  
3           for a decision in relation to bail until the offender can be brought  
4           before the sentencing court.

5           *Note*     For remanding or granting bail to the offender, see the *Bail Act 1992*.

6       **133XS   Arrest warrant—breach of therapeutic correction**  
7       **obligations**

- 8           (1) A judge or magistrate may issue a warrant for a young offender’s  
9           arrest if satisfied, by information on oath, that there are reasonable  
10          grounds for suspecting that the offender has breached any of the  
11          offender’s therapeutic correction obligations.

- 12          (2) The warrant must—

13               (a) be in writing signed by the judge or magistrate; and

14               (b) be directed to all police officers or a named police officer; and

15               (c) state briefly the matter on which the information is based; and

16               (d) order the arrest and bringing of the offender before the  
17               sentencing court.

- 18          (3) A police officer who arrests the offender under the warrant must, as  
19          soon as practicable, bring the offender before the sentencing court.

- 20          (4) However, if the sentencing court is not sitting, the police officer must,  
21          as soon as practicable, bring the offender before a magistrate for a  
22          decision in relation to bail until the offender can be brought before  
23          the sentencing court.

24          *Note*     For remanding or granting bail to the offender, see the *Bail Act 1992*.

1 **Division 8A.2A.6 Therapeutic correction orders—**  
2 **breach**

3 **133XT Breach of therapeutic correction order**

- 4 (1) If the sentencing court is satisfied on the balance of probabilities that  
5 a young offender subject to a therapeutic correction order has  
6 breached any of the therapeutic correction obligations of the order,  
7 the court must make 1 or more of the following orders:
- 8 (a) confirming the therapeutic correction conditions of the order  
9 with no further action to be taken on the breach;
- 10 (b) giving the offender a warning about the need to comply with the  
11 offender's therapeutic correction obligations;
- 12 (c) amending the therapeutic correction plan in accordance with  
13 subsection (2);
- 14 (d) cancelling the order and resentencing the offender in any way in  
15 which the court could deal with the offender at the time of  
16 sentencing.

17 *Note* The court must conduct a review before making an order mentioned in  
18 par (c) or (d) (see s 133XV (4)).

- 19 (2) The therapeutic correction plan may be amended by adding,  
20 modifying or removing plan conditions.

21 **Examples—therapeutic correction plan condition**

- 22 1 frequency or kind of treatment measures  
23 2 degree of supervision  
24 3 frequency of drug and alcohol testing

- 25 (3) The court may make an order under this section on its own initiative  
26 or on application by—

- 27 (a) the young offender; or  
28 (b) the director of public prosecutions; or

- 1 (c) a member of the therapeutic correction team; or  
2 (d) a person prescribed by regulation.
- 3 (4) If the court makes an order under this section, the court must, as soon  
4 as practicable after the order is made, ensure that written notice of the  
5 order, together with a copy of the order, is given to—
- 6 (a) the young offender; and  
7 (b) any other person who the court considers should receive the  
8 notice.
- 9 (5) Failure to comply with subsection (4) does not invalidate the order.

10 **Division 8A.2A.7 Therapeutic correction orders—**  
11 **review by court**

12 **133XU Application—div 8A.2A.7**

13 This division applies to the review of a therapeutic correction order.

14 **133XV Therapeutic correction orders—review**

- 15 (1) The sentencing court may review a therapeutic correction order for a  
16 young offender at any time and for any reason if it is satisfied the  
17 review is in the interests of justice.

18 *Note* The court may also review the offender's bail at any time, see the *Bail*  
19 *Act 1992*, s 41A.

- 20 (2) The court may review a therapeutic correction order—
- 21 (a) on its own initiative; or  
22 (b) on application by—
- 23 (i) the defence; or  
24 (ii) the CYP director-general; or  
25 (iii) any other member of the therapeutic correction team.

- 1           (3) The court may carry out a review under this division in any way it  
2           considers appropriate.
- 3           (4) However, the court must conduct a hearing for a review  
4           in which the court is considering making an order under  
5           section 133XT (1) (c) or (d).
- 6           (5) An entity mentioned in subsection (2) (b) may appear at a hearing of  
7           the review.
- 8           (6) The court may, on the review, confirm or amend the order as the court  
9           considers appropriate.
- 10          (7) If the court amends the order, the court must, as soon as practicable,  
11          ensure that written notice of the review decision, together with a copy  
12          of the amended order is given to—
- 13               (a) the young offender; and
- 14               (b) any other person who the court considers should receive the  
15               notice.
- 16          (8) Failure to comply with subsection (7) does not invalidate the order as  
17          amended.
- 18          (9) In this section:
- 19               *defence* means—
- 20               (a) any lawyer representing the young offender; or
- 21               (b) if the young offender is not legally represented—the young  
22               offender.

1 **133XW Therapeutic correction orders—CYP director-general**  
2 **must apply for review**

3 The CYP director-general must apply to the sentencing court for a  
4 review of a young offender's therapeutic correction order if the  
5 director-general believes on reasonable grounds that a change in the  
6 offender's circumstances is likely to substantially affect the  
7 offender's ability to comply with the order.

8 **133XX Therapeutic correction orders—notice of proposed**  
9 **review**

- 10 (1) The sentencing court must, as far as practicable, give written notice  
11 of a proposed review of the young offender's therapeutic correction  
12 order to the defence and the other members of the therapeutic  
13 correction team.
- 14 (2) The notice must set out—  
15 (a) the reasons for the review; and  
16 (b) if a hearing for the review is to be conducted—the time and  
17 place for the review.
- 18 (3) Failure to comply with this section does not invalidate the review.
- 19 (4) In this section:  
20 *defence* means—  
21 (a) any lawyer representing the young offender; or  
22 (b) if the young offender is not legally represented—the young  
23 offender.

1 **Division 8A.2A.8 Therapeutic correction orders—**  
2 **miscellaneous**

3 **133XY Evidentiary certificates**

4 (1) A certificate that appears to be signed by or for any of the following,  
5 and states any matter relevant to anything done or not done under this  
6 part in relation to a person, is evidence of the matter:

7 (a) an assessor;

8 (b) the CYP director-general;

9 (c) the director-general responsible for the *Corrections*  
10 *Management Act 2007*;

11 (d) an analyst appointed under subsection (3).

12 (2) The court must accept a certificate mentioned in subsection (1) as  
13 proof of the matters stated in it if there is no evidence to the contrary.

14 (3) The CYP director-general may appoint analysts for this part.

15 *Note* For laws about appointments, see the *Legislation Act*, pt 19.3.

16 (4) An appointment under subsection (3) is a notifiable instrument.

17 **133XZ Information exchanges—therapeutic correction team**

18 (1) This section applies to personal information about a young offender  
19 held by a member of the therapeutic correction team that was obtained  
20 as a result of a therapeutic correction assessment, or the  
21 administration or making of a therapeutic correction order for the  
22 offender.

23 (2) A member of the therapeutic correction team may give the  
24 information to another member of the therapeutic correction team for  
25 the purpose of the other member exercising their functions under this  
26 Act.

1 (3) This section is additional to any other Act that provides for  
2 information to be given by, or to, a member of the therapeutic  
3 correction team.

4 *Note* A reference to an Act includes a reference to any statutory instruments  
5 made or in force under the Act (see [Legislation Act](#), s 104).

6 (4) In this section:

7 *personal information*, about a young offender, means any  
8 information or opinion relating to the offender, whether true or not,  
9 and whether recorded in a document or not.

#### 10 **87 Dictionary, definition of *assessor*, new paragraph (d)**

11 *insert*

12 (d) for part 8A.2A (Young offenders—therapeutic correction  
13 orders)—see section 133XG (3).

#### 14 **88 Dictionary, definition of *core conditions***

15 *substitute*

16 *core conditions*—

17 (a) of a treatment order, for part 5.4A (Drug and alcohol treatment  
18 orders)—see section 80Y; and

19 (b) of a therapeutic correction order, for part 8A.2A  
20 (Young offenders—therapeutic correction orders)—see  
21 section 133XN (1).

**89 Dictionary, definition of *sentencing court***

*substitute*

*sentencing court*—

(a) for part 8.2 (Deferred sentence orders—supervision) and part 8.3 (Deferred sentence orders—amendment or cancellation)—see section 123; and

(b) for a young offender subject to a therapeutic correction order, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XA.

**90 Dictionary, new definitions**

*insert*

*therapeutic correction assessment*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XG (2) (a) (i).

*therapeutic correction conditions*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XO (1).

*therapeutic correction obligations*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XD.

*therapeutic correction order*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XB (2).

*therapeutic correction plan*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XJ (1).

*therapeutic correction team*, for part 8A.2A (Young offenders—therapeutic correction orders)—see section 133XA.

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## Part 6 Criminal Code 2002

### 91 Sections 25 and 26

*substitute*

#### 25 Children under 12—criminal responsibility

A child under 12 years old is not criminally responsible for an offence.

#### 26 Children 12 and over but under 14—knowledge that conduct wrong

- (1) A child who is 12 years old or older, but under 14 years old, can be criminally responsible for an offence but only if the child knows that their conduct is wrong.
- (2) The question of whether a child who is 12 years old or older, but under 14 years old, knows that their conduct is wrong is a question of fact.
- (3) The burden of proving that a child knows that their conduct is wrong is on the prosecution.

### 92 Sections 25 and 26

*substitute*

#### 25 Children under 14—criminal responsibility

- (1) A child under 14 years old is not criminally responsible for an offence.
- (2) However, a child who is 12 years old or older, but under 14 years old, can be criminally responsible for an offence mentioned in schedule 1 (a *schedule offence*) but only if the child knows that their conduct is wrong.

- 1 (3) A reference to a schedule offence does not include a reference to—  
2 (a) an offence against part 2.4 (Extensions of criminal  
3 responsibility) that relates to the schedule offence other than  
4 section 46 (Commission by proxy); or  
5 (b) an offence against section 717 (Accessory after the fact) that  
6 relates to the schedule offence.

7 **26 Children 12 and over but under 14—knowledge that**  
8 **conduct wrong**

- 9 (1) The question of whether a child who is 12 years old or older, but  
10 under 14 years old, knows that their conduct is wrong is a question of  
11 fact.  
12 (2) The burden of proving that a child knows that their conduct is wrong  
13 is on the prosecution.

14 **93 New section 801**

15 *insert*

16 **801 Review of amendments made by Justice (Age of Criminal**  
17 **Responsibility) Legislation Amendment Act 2023**

- 18 (1) The Minister must—  
19 (a) review the operation and effectiveness of the amendments to all  
20 Acts made by the *Justice (Age of Criminal Responsibility)*  
21 *Legislation Amendment Act 2023* as soon as practicable after the  
22 end of 5 years after this section commences; and  
23 (b) present a report of the review to the Legislative Assembly before  
24 the end of 6 years after this section commences.  
25 (2) This section expires 7 years after it commences.

1 **94 New schedule 1**

2 *insert*

3 **Schedule 1 Crimes Act 1900—Offences for**  
4 **which children 12 years old**  
5 **and older but under 14 years**  
6 **old are criminally responsible**

7 (see s 25 (2))

column 1 item	column 2 offence
1	s 12 (Murder)
2	s 19 (Intentionally inflicting grievous bodily harm)
3	s 51 (Sexual assault in the first degree)
4	s 57 (Act of indecency in the first degree)

## Part 7 Family Violence Act 2016

### 95 Who may apply for protection order?

#### Section 16 (1), note 2

*substitute*

*Note 2* A child under 12 years old cannot be a respondent to an application for a protection order (see s 75).

### 96 Section 16 (1), note 2

*substitute*

*Note 2* A child under 14 years old cannot be a respondent to an application for a protection order (see s 75).

### 97 Section 75

*substitute*

### 75 Child respondents

- (1) A child under 12 years old cannot be a respondent to an application for a family violence order.
- (2) Unless the court otherwise orders, for a proceeding for a family violence order, a respondent who is 12 years old or older but under 14 years old is taken to have impaired decision-making ability.

### 98 Section 75

*substitute*

### 75 Child respondents

A child under 14 years old cannot be a respondent to an application for a family violence order.

1 **99 Representation—party with impaired decision-making**  
2 **ability**  
3 **Section 76 (3), note**

4 *substitute*

5 *Note* A child under 12 years old cannot be a respondent to an application for a  
6 family violence order (see s 75).

7 **100 Section 76 (3), note**

8 *substitute*

9 *Note* A child under 14 years old cannot be a respondent to an application for a  
10 family violence order (see s 75).

11 **101 Police officer may apply for after-hours order**  
12 **Section 99, note**

13 *substitute*

14 *Note* A child under 12 years old cannot be a respondent to an application for a  
15 family violence order (see s 75).

16 **102 Section 99, note**

17 *substitute*

18 *Note* A child under 14 years old cannot be a respondent to an application for a  
19 family violence order (see s 75).

**103 New part 23**

*insert*

**Part 23 Transitional—Justice (Age of Criminal Responsibility)  
Legislation Amendment Act 2023****Division 23.1 General****211 Definitions—pt 23**

In this part:

*child respondent* means—

- (a) a child who is under 12 years old and a respondent in a proceeding for a protection order; or
- (b) a child against whom a family violence order was made when the child was under 12 years old.

*commencement day* means the day the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 103 commences.

**212 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- 1 (3) A regulation under subsection (2) has effect despite anything  
2 elsewhere in this Act.

3 **213 Expiry—pt 23**

4 This part expires 5 years after the commencement day.

5 *Note* A transitional provision is repealed on its expiry but continues to have  
6 effect after its repeal (see [Legislation Act](#), s 88).

7 **Division 23.2 Ending action etc for family violence**  
8 **orders**

9 **214 Application—div 23.2**

10 This division applies, despite any territory law to the contrary, to a  
11 child respondent.

12 **215 Enforcement action**

13 (1) Enforcement action carried out by a police officer before the  
14 commencement day in a proceeding for a family violence order  
15 against a child respondent ends on the commencement day.

16 (2) If the enforcement action that ends under subsection (1) is arrest or  
17 police custody, the chief police officer must ensure that reasonable  
18 steps are taken to ensure the safety of the child respondent on the  
19 respondent's release from arrest or custody.

20 (3) In this section:

21 *enforcement action* means any of the following:

- 22 (a) execution of a warrant;  
23 (b) arrest;  
24 (c) police custody.

25 *police custody* includes detention under section 105 (After-hours  
26 orders—detention of person against whom order sought).

- 1     **216     Family violence order procedures, proceedings etc**
- 2           (1) Each of the following is discontinued and ceases to have effect on the
- 3           commencement day:
- 4           (a) an application under section 16 for a protection order against a
- 5           child respondent;
- 6           (b) an application under section 83 for amendment of a protection
- 7           order against a child respondent;
- 8           (c) an application—
- 9                 (i) under section 87 for review of a special interim order
- 10                against a child respondent; or
- 11               (ii) under section 89 for review of a final order against a child
- 12                respondent;
- 13           (d) an application under section 91 for review of a consent order
- 14           against a child respondent;
- 15           (e) an application under section 101 for an after-hours order against
- 16           a child respondent;
- 17           (f) an application under section 133 for the amendment or
- 18           revocation of a recognised FVO made against a child
- 19           respondent;
- 20           (g) an application under section 134A for registration of a foreign
- 21           order made against a child respondent;
- 22           (h) an application under section 147 that an FVO made against a
- 23           child respondent is a recognised FVO in the ACT.
- 24           (2) A warrant issued under section 54 for a child respondent is revoked
- 25           and ceases to have effect on the commencement day.



- 1 (e) making or enforcing a requirement for a person to pay costs in  
2 relation to a proceeding for a family violence order against the  
3 respondent.

4 **218 Past lawful acts not affected**

5 The commencement of the *Justice (Age of Criminal Responsibility)*  
6 *Legislation Amendment Act 2023* does not affect the validity of  
7 family violence order action in relation to a child respondent done  
8 under a territory law before the commencement day.

9 **219 Protection from liability**

- 10 (1) A person is not personally liable for any family violence order action  
11 in relation to a child respondent done or omitted to be done honestly  
12 and without recklessness before the commencement day—  
13 (a) in the exercise of a function under a territory law; or  
14 (b) in the reasonable belief that the act or omission was in the  
15 exercise of a function under a territory law.  
16 (2) Any liability that, apart from subsection (1), would attach to a person  
17 attaches instead to the Territory.

18 **220 No entitlement to compensation etc**

19 A child respondent to a proceeding for a family violence order begun  
20 before the commencement day is not, because of the enactment of the  
21 *Justice (Age of Criminal Responsibility) Legislation Amendment*  
22 *Act 2023*, entitled to compensation or damages as a result of any  
23 family violence order action in the proceeding.

**104 New part 24***insert***Part 24 Transitional—Justice (Age of Criminal Responsibility)  
Legislation Amendment Act 2023****Division 24.1 General****221 Definitions—pt 24**

In this part:

*child respondent* means—

- (a) a child who is under 14 years old and a respondent in a proceeding for a protection order; or
- (b) a child against whom a family violence order was made when the child was under 14 years old.

*commencement day* means the day the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*, section 104 commences.

**222 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Justice (Age of Criminal Responsibility) Legislation Amendment Act 2023*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- 1 (3) A regulation under subsection (2) has effect despite anything  
2 elsewhere in this Act.

3 **223 Expiry—pt 24**

4 This part expires 5 years after the commencement day.

5 *Note* A transitional provision is repealed on its expiry but continues to have  
6 effect after its repeal (see [Legislation Act](#), s 88).

7 **Division 24.2 Ending action etc for family violence**  
8 **orders**

9 **224 Application—div 24.2**

10 This division applies, despite any territory law to the contrary, to a  
11 child respondent.

12 **225 Enforcement action**

13 (1) Enforcement action carried out by a police officer before the  
14 commencement day in a proceeding for a family violence order  
15 against a child respondent ends on the commencement day.

16 (2) If the enforcement action that ends under subsection (1) is arrest or  
17 police custody, the chief police officer must ensure that reasonable  
18 steps are taken to ensure the safety of the child respondent on the  
19 respondent's release from arrest or custody.

20 (3) In this section:

21 *enforcement action* means any of the following:

- 22 (a) execution of a warrant;  
23 (b) arrest;  
24 (c) police custody.

25 *police custody* includes detention under section 105 (After-hours  
26 orders—detention of person against whom order sought).

- 1 **226 Family violence order procedures, proceedings etc**
- 2 (1) Each of the following is discontinued and ceases to have effect on the
- 3 commencement day:
- 4 (a) an application under section 16 for a protection order against a
- 5 child respondent;
- 6 (b) an application under section 83 for amendment of a protection
- 7 order against a child respondent;
- 8 (c) an application—
- 9 (i) under section 87 for review of a special interim order
- 10 against a child respondent; or
- 11 (ii) under section 89 for review of a final order against a child
- 12 respondent;
- 13 (d) an application under section 91 for review of a consent order
- 14 against a child respondent;
- 15 (e) an application under section 101 for an after-hours order against
- 16 a child respondent;
- 17 (f) an application under section 133 for the amendment or
- 18 revocation of a recognised FVO made against a child
- 19 respondent;
- 20 (g) an application under section 134A for registration of a foreign
- 21 order made against a child respondent;
- 22 (h) an application under section 147 that an FVO made against a
- 23 child respondent is a recognised FVO in the ACT.
- 24 (2) A warrant issued under section 54 for a child respondent is revoked
- 25 and ceases to have effect on the commencement day.

- 1 (3) If a child respondent is detained under section 105 (After-hours  
2 orders—detention of person against whom order sought)—the section  
3 ceases to apply and the child respondent is entitled to be at liberty on  
4 the commencement day.
- 5 (4) Each of the following is discontinued on the commencement day:  
6 (a) a proceeding for a protection order against a child respondent;  
7 (b) a proceeding for an appeal against an appealable decision  
8 involving a child respondent.
- 9 (5) A recognised FVO made against a child respondent is revoked on the  
10 commencement day.
- 11 (6) In this section:  
12 *recognised FVO*—see section 119 and section 144.

13 **Division 24.3**                    **Validity of past family violence order**  
14    **action**

15 **227**                    **Meaning of *family violence order action*—div 24.3**

16 In this division:

17 *family violence order action*, in relation to a child respondent,  
18 includes any of the following:

- 19 (a) making an application mentioned in section 226 (1);  
20 (b) arresting or detaining the respondent under this Act;  
21 (c) making, amending or revoking a family violence order against  
22 the respondent;  
23 (d) administering or enforcing a family violence order against the  
24 respondent;

- 1 (e) making or enforcing a requirement for a person to pay costs in  
2 relation to a proceeding for a family violence order against the  
3 respondent.

4 **228 Past lawful acts not affected**

5 The commencement of the *Justice (Age of Criminal Responsibility)*  
6 *Legislation Amendment Act 2023* does not affect the validity of  
7 family violence order action in relation to a child respondent done  
8 under a territory law before the commencement day.

9 **229 Protection from liability**

- 10 (1) A person is not personally liable for any family violence order action  
11 in relation to a child respondent done or omitted to be done honestly  
12 and without recklessness before the commencement day—  
13 (a) in the exercise of a function under a territory law; or  
14 (b) in the reasonable belief that the act or omission was in the  
15 exercise of a function under a territory law.  
16 (2) Any liability that, apart from subsection (1), would attach to a person  
17 attaches instead to the Territory.

18 **230 No entitlement to compensation etc**

19 A child respondent to a proceeding for a family violence order begun  
20 before the commencement day is not, because of the enactment of the  
21 *Justice (Age of Criminal Responsibility) Legislation Amendment*  
22 *Act 2023*, entitled to compensation or damages as a result of any  
23 family violence order action in the proceeding.

1 **Part 8** **Personal Violence Act 2016**

2 **105 Who may apply for personal protection orders?**

3 **Section 12 (1), note**

4 *substitute*

5 *Note* A child under 12 years old cannot be a respondent to an application for a  
6 protection order (see s 69).

7 **106 Section 12 (1), note**

8 *substitute*

9 *Note* A child under 14 years old cannot be a respondent to an application for a  
10 protection order (see s 69).

11 **107 Section 69**

12 *substitute*

13 **69 Child respondents**

14 (1) A child under 12 years old cannot be a respondent to an application  
15 for a protection order.

16 (2) Unless the court otherwise orders, for a proceeding for a protection  
17 order, a respondent who is 12 years old or older but under 14 years  
18 old is taken to have impaired decision-making ability.

19 **108 Section 69**

20 *substitute*

21 **69 Child respondents**

22 A child under 14 years old cannot be a respondent to an application  
23 for a protection order.

1 **109 Representation—party with impaired decision-making**  
 2 **ability**  
 3 **Section 70 (3), note**

4 *substitute*

5 *Note* A child under 12 years old cannot be a respondent to an application for a  
 6 protection order (see s 69).

7 **110 Section 70 (3), note**

8 *substitute*

9 *Note* A child under 14 years old cannot be a respondent to an application for a  
 10 protection order (see s 69).

11 **111 New part 23**

12 *insert*

13 **Part 23 Transitional—Justice (Age of**  
 14 **Criminal Responsibility)**  
 15 **Legislation Amendment Act 2023**

16 **Division 23.1 General**

17 **210 Definitions—pt 23**

18 In this part:

19 *child respondent* means—

- 20 (a) a child who is under 12 years old and a respondent in a  
 21 proceeding for a protection order; or  
 22 (b) a child against whom a protection order was made when the  
 23 child was under 12 years old



- 1 (2) If the enforcement action that ends under subsection (1) is arrest or  
2 police custody, the chief police officer must ensure that reasonable  
3 steps are taken to ensure the safety of the child respondent on the  
4 respondent's release from arrest or custody.
- 5 (3) In this section:
- 6 ***enforcement action*** means any of the following:
- 7 (a) execution of a warrant;
- 8 (b) arrest;
- 9 (c) police custody.
- 10 **215 Protection order procedures, proceedings etc**
- 11 (1) Each of the following is discontinued and ceases to have effect on the  
12 commencement day:
- 13 (a) an application under—
- 14 (i) section 12 for a protection order against a child  
15 respondent; or
- 16 (ii) section 13 for a workplace protection order against a child  
17 respondent;
- 18 (b) an application under section 76 for amendment of a protection  
19 order made against a child respondent;
- 20 (c) an application under section 81 for review of a final order made  
21 against a child respondent;
- 22 (d) an application under section 83 for review of a consent order  
23 made against a child respondent;
- 24 (e) an application under section 91 for registration of a recognised  
25 order made against a child respondent;
- 26 (f) an application under section 93 (b) for the amendment or  
27 revocation of a registered order made against a child respondent.



- 1 (e) making or enforcing a requirement for a person to pay costs in  
2 relation to a proceeding for a protection order against the  
3 respondent.

4 **217 Past lawful acts not affected**

5 The commencement of the *Justice (Age of Criminal Responsibility)*  
6 *Legislation Amendment Act 2023* does not affect the validity of  
7 protection order action in relation to a child respondent done under a  
8 territory law before the commencement day.

9 **218 Protection from liability**

- 10 (1) A person is not personally liable for any protection order action in  
11 relation to a child respondent done or omitted to be done honestly and  
12 without recklessness before the commencement day—  
13 (a) in the exercise of a function under a territory law; or  
14 (b) in the reasonable belief that the act or omission was in the  
15 exercise of a function under a territory law.  
16 (2) Any liability that, apart from subsection (1), would attach to a person  
17 attaches instead to the Territory.

18 **219 No entitlement to compensation etc**

19 A child respondent to a proceeding for a protection order begun  
20 before the commencement day is not, because of the enactment of the  
21 *Justice (Age of Criminal Responsibility) Legislation Amendment*  
22 *Act 2023*, entitled to compensation or damages as a result of any  
23 protection order action in the proceeding.

1 **112 New part 24**

2 *insert*

3 **Part 24 Transitional—Justice (Age of**  
4 **Criminal Responsibility)**  
5 **Legislation Amendment Act 2023**

6 **Division 24.1 General**

7 **220 Definitions—pt 24**

8 In this part:

9 *child respondent* means—

- 10 (a) a child who is under 14 years old and a respondent in a  
11 proceeding for a protection order; or  
12 (b) a child against whom a family violence order was made when  
13 the child was under 14 years old.

14 *commencement day* means the day the *Justice (Age of Criminal*  
15 *Responsibility) Legislation Amendment Act 2023*, section 112  
16 commences.

17 **221 Transitional regulations**

- 18 (1) A regulation may prescribe transitional matters necessary or  
19 convenient to be prescribed because of the enactment of the *Justice*  
20 *(Age of Criminal Responsibility) Legislation Amendment Act 2023*.  
21 (2) A regulation may modify this part (including in relation to another  
22 territory law) to make provision in relation to anything that, in the  
23 Executive's opinion, is not, or is not adequately or appropriately,  
24 dealt with in this part.

- 1 (3) A regulation under subsection (2) has effect despite anything  
2 elsewhere in this Act.

3 **222 Expiry—pt 24**

4 This part expires 5 years after the commencement day.

5 *Note* A transitional provision is repealed on its expiry but continues to have  
6 effect after its repeal (see [Legislation Act](#), s 88).

7 **Division 24.2 Ending action etc for personal**  
8 **protection orders**

9 **223 Application—div 24.2**

10 This division applies, despite any territory law to the contrary, to a  
11 child respondent.

12 **224 Enforcement action**

13 (1) Enforcement action carried out by a police officer before the  
14 commencement day in a proceeding for a protection order against a  
15 child respondent ends on the commencement day.

16 (2) If the enforcement action that ends under subsection (1) is arrest or  
17 police custody, the chief police officer must ensure that reasonable  
18 steps are taken to ensure the safety of the child respondent on the  
19 respondent's release from arrest or custody.

20 (3) In this section:

21 ***enforcement action*** means any of the following:

- 22 (a) execution of a warrant;  
23 (b) arrest;  
24 (c) police custody.

- 1     **225     Protection order procedures, proceedings etc**
- 2           (1) Each of the following is discontinued and ceases to have effect on the
- 3           commencement day:
- 4           (a) an application under—
- 5                 (i) section 12 for a protection order against a child
- 6                 respondent; or
- 7                 (ii) section 13 for a workplace protection order against a child
- 8                 respondent;
- 9           (b) an application under section 76 for amendment of a protection
- 10           order made against a child respondent;
- 11           (c) an application under section 81 for review of a final order made
- 12           against a child respondent;
- 13           (d) an application under section 83 for review of a consent order
- 14           made against a child respondent;
- 15           (e) an application under section 91 for registration of a recognised
- 16           order made against a child respondent;
- 17           (f) an application under section 93 (b) for the amendment or
- 18           revocation of a registered order made against a child respondent.
- 19           (2) A warrant issued under section 49 for a child respondent is revoked
- 20           and ceases to have effect on the commencement day.
- 21           (3) Each of the following is discontinued on the commencement day:
- 22                 (a) a proceeding for a protection order against a child respondent;
- 23                 (b) a proceeding for an appeal against an appealable decision
- 24                 involving a child respondent;
- 25           (4) A registered order made against a child respondent is revoked on the
- 26           commencement day.

- 1 (5) In this section:  
2 *recognised order*—see section 90.  
3 *registered order*—see section 90.

4 **Division 24.3** **Validity of past protection order**  
5 **action**

6 **226** **Meaning of *past protection order action*—div 24.3**

- 7 In this division:  
8 *protection order action*, in relation to a child respondent, includes  
9 any of the following:  
10 (a) making an application mentioned in section 215 (1);  
11 (b) arresting or detaining the respondent under this Act;  
12 (c) making, amending or revoking a protection order against the  
13 respondent;  
14 (d) administering or enforcing a protection order against the  
15 respondent;  
16 (e) making or enforcing a requirement for a person to pay costs in  
17 relation to a proceeding for a protection order against the  
18 respondent.

19 **227** **Past lawful acts not affected**

20 The commencement of the *Justice (Age of Criminal Responsibility)*  
21 *Legislation Amendment Act 2023* does not affect the validity of  
22 protection order action in relation to a child respondent done under a  
23 territory law before the commencement day.

1    **228       Protection from liability**

2           (1) A person is not personally liable for any protection order action in  
3           relation to a child respondent done or omitted to be done honestly and  
4           without recklessness before the commencement day—

5               (a) in the exercise of a function under a territory law; or

6               (b) in the reasonable belief that the act or omission was in the  
7               exercise of a function under a territory law.

8           (2) Any liability that, apart from subsection (1), would attach to a person  
9           attaches instead to the Territory.

10   **229       No entitlement to compensation etc**

11           A child respondent to a proceeding for a protection order begun  
12           before the commencement day is not, because of the enactment of the  
13           *Justice (Age of Criminal Responsibility) Legislation Amendment*  
14           *Act 2023*, entitled to compensation or damages as a result of any  
15           protection order action in the proceeding.

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## Part 9 Spent Convictions Act 2000

### 113 Overview of Act Section 3 (3) (b)

*substitute*

(b) the extinguishment of—

- (i) youth offence convictions, with limited exceptions; and
- (ii) historical homosexual offence convictions.

### 114 Meaning of *extinguished* conviction Section 7A (1)

*substitute*

(1) For this Act, the conviction of a person for an offence is *extinguished* if—

- (a) for youth offence convictions—section 19GB extinguishes the conviction; or
- (b) for historical homosexual offence convictions—the director-general extinguishes the conviction in accordance with section 19D (Decision on application to have conviction extinguished).

### 115 Which convictions can become spent? Section 11 (2) (a)

*substitute*

- (a) a conviction for an offence committed by an offender who was at least 12 years old when the offence was committed and for which a sentence of imprisonment of longer than 6 months was imposed;

1 **116 Section 11 (2) (a)**

2 *substitute*

- 3 (a) a conviction for an offence committed by an offender who was  
4 at least 14 years old when the offence was committed and for  
5 which a sentence of imprisonment of longer than 6 months was  
6 imposed;

7 **117 Meaning of *youth sexual offence conviction*—pt 2**  
8 **Section 14A, definition of *youth sexual offence***  
9 ***conviction, paragraph (a)***

10 *substitute*

- 11 (a) committed by a person who was at least 12 years old when the  
12 offence was committed; and

13 **118 Section 14A, definition of *youth sexual offence***  
14 ***conviction, paragraph (a)***

15 *substitute*

- 16 (a) committed by a person who was at least 14 years old when the  
17 offence was committed; and

1 **119 New part 3AA**

2 *insert*

3 **Part 3AA Extinguishing youth offence**  
4 **convictions**

5 **19GA Meaning of *youth offence conviction***

6 For this Act:

7 *youth offence conviction* means a conviction for an offence  
8 committed by a person who was under 12 years old when the offence  
9 was committed.

10 **19GB Youth offence convictions extinguished**

- 11 (1) A youth offence conviction is extinguished.  
12 (2) A youth offence conviction spent before the commencement of this  
13 section is extinguished under this section.

14 **120 Sections 19GA and 19GB**

15 *substitute*

16 **19GA Meaning of *youth offence conviction***

17 For this Act:

18 *youth offence conviction* means a conviction for an offence  
19 committed by a person who was under 14 years old when the offence  
20 was committed.

21 **19GB Youth offence convictions extinguished**

- 22 (1) A youth offence conviction (other than a conviction mentioned in  
23 subsection (3)) is extinguished.

## Section 121

- 1 (2) A youth offence conviction spent before the commencement of this  
2 section is extinguished under this section.
- 3 (3) A youth offence conviction is not extinguished if the offence for  
4 which the conviction was imposed—
- 5 (a) is an offence mentioned in table 19GB; and  
6 (b) was committed by a person who was at least 12 years old.

7 **Table 19GB**

column 1 item	column 2 offence
1	<a href="#">Crimes Act</a> 1900, s 12 (Murder)
2	<a href="#">Crimes Act</a> 1900, s 19 (Intentionally inflicting grievous bodily harm)
3	<a href="#">Crimes Act</a> 1900, s 51 (Sexual assault in the first degree)
4	<a href="#">Crimes Act</a> 1900, s 57 (Act of indecency in the first degree)

8 **121 Consequences of conviction becoming extinguished**  
9 **New section 19H (1A)**

10 *after the note, insert*

- 11 (1A) The following also applies to a person whose youth offence  
12 conviction has been extinguished:
- 13 (a) in applying an Act to the person, the person is taken never to  
14 have committed or to have been charged with, convicted of, or  
15 sentenced for the offence the subject of the extinguished  
16 conviction (the *offence*);
- 17 (b) it is lawful for the person to state in a proceeding before a court  
18 or tribunal that the person has not been charged with or  
19 convicted of the offence.

**122 New section 19H (3)**

2 *insert*

3 (3) However, subsections (1) and (1A) do not apply in relation to an  
4 application by a person for registration under the *Working with*  
5 *Vulnerable People (Background Checking) Act 2011*.

**123 Dictionary, new definition of *youth offence conviction***

7 *insert*

8 *youth offence conviction*—see section 19GA.

1 **Part 10** **Victims of Crime Act 1994**

2 **124 Long title**

3 *substitute*

4 An Act relating to victims of crime and other harmful behaviour

5 **125 Objects of Act**  
6 **Section 3AA (b) and (c)**

7 *substitute*

8 (b) contribute to upholding the safety, privacy and dignity of people  
9 adversely affected by crime and other harmful behaviour; and

10 (c) help victims deal with the effects of criminal offences and other  
11 harmful behaviour; and

12 **126 Who is a *victim*?**  
13 **Section 6 (1)**

14 *omit*

15 In this Act:

16 *substitute*

17 In this Act (other than division 3A.3A):

18 **127 Victims may request referral of offences to restorative**  
19 **justice**  
20 **New section 15B (1A)**

21 *after the notes, insert*

22 (1A) However, a victim of an offence committed by a person who is at  
23 least 10 years old but under the age of criminal responsibility for the  
24 offence may ask the agency or entity at any time and whether or not  
25 a criminal justice process has, or can be, begun for the offence.

1 **128 Section 15B (2), new definition of *under the age of***  
2 ***criminal responsibility***

3 *insert*

4 *under the age of criminal responsibility*—a person is *under the age*  
5 *of criminal responsibility* for an offence if the person is not  
6 criminally responsible under the [Criminal Code](#), section 25 for the  
7 offence.

8 **129 New division 3A.3A**

9 *insert*

10 **Division 3A.3A Victims rights—harm statement etc**

11 **15CA Definitions—div 3A.3A**

12 (1) In this division:

13 *child* means a person under 12 years old.

14 *harm*—see section 6 (3).

15 *harmful behaviour*, of a child, means behaviour that causes harm to  
16 another person.

17 *harm statement*, in relation to a child's harmful behaviour, means a  
18 statement prepared by or for a victim of the behaviour for  
19 consideration by the therapeutic support panel.

20 *therapeutic support panel*—see the [Children and Young People](#)  
21 [Act 2008](#), dictionary.

- 1            **victim**, of a child's harmful behaviour, means—
- 2            (a) a person (a **primary victim**) who suffers harm because of the
- 3            behaviour; or
- 4            (b) if a primary victim dies because of the behaviour—a person who
- 5            was financially or psychologically dependent on the primary
- 6            victim immediately before the primary victim's death.

- 7            (2) In this section:

8            **because of**, a child's harmful behaviour, means—

- 9            (a) as a result of, or in the course of, the behaviour; or
- 10           (b) in the course of assisting a police officer in the exercise of the
- 11           officer's power to arrest a person for the behaviour or to take
- 12           action to prevent the behaviour.

13           **loss** of a pregnancy means a miscarriage or stillbirth.

14           **15CB      Application—div 3A.3A**

15           This division applies if—

- 16           (a) a child has engaged in harmful behaviour; and
- 17           (b) there is a victim of the behaviour.

18           **15CC      Harm statement—who may make a harm statement**

19           (1) The following people may make a harm statement in relation to a

20           child's harmful behaviour:

- 21           (a) a victim of the behaviour;
- 22           (b) a person with parental responsibility for a victim of the
- 23           behaviour;
- 24           (c) a close family member of a victim of the behaviour;
- 25           (d) a carer for a victim of the behaviour;

1 (e) a person with an intimate personal relationship with a victim of  
2 the behaviour.

3 (2) In this section:

4 *person with parental responsibility*, for a victim who is a child or  
5 young person—means a person with parental responsibility for the  
6 child or young person under the *Children and Young People*  
7 *Act 2008*, division 1.3.2.

8 **15CD Harm statement—form and contents**

9 (1) A harm statement may, but need not, identify the victim to whom the  
10 statement relates, but must not identify the victim if the victim does  
11 not wish to be identified in the statement.

12 (2) However, if the statement does not identify the victim, the therapeutic  
13 support panel must—

14 (a) be told the identity of the victim; and

15 (b) not disclose the identity to any other person.

16 (3) If the person who makes the statement is not the victim (or the  
17 victim’s representative)—

18 (a) the statement must indicate that the victim does not object to the  
19 statement being made to the therapeutic support panel; and

20 (b) if practicable, the victim (or representative) must sign the  
21 statement, or make a separate written or oral statement to the  
22 panel, to verify that the victim does not object.

23 (4) If the victim to whom the statement relates is not a primary victim,  
24 the statement must identify the primary victim and state the nature  
25 and length of the victim’s relationship with the primary victim.

26 (5) If the statement is made by a person who is not the victim, the  
27 statement must indicate the nature and length of the person’s  
28 relationship with the victim.

- 1           (6) The statement may state the circumstances of the harmful behaviour,  
2           and the harm suffered by the victim.
- 3           (7) The statement may contain photographs, drawings or other images.
- 4           (8) The statement must not contain anything that is offensive,  
5           threatening, intimidating or harassing.
- 6           (9) This section does not prevent a harm statement being made in relation  
7           to more than 1 victim.

8           **15CE      Harm statement—presentation to panel**

- 9           (1) A harm statement may be given to the therapeutic support panel as—
- 10           (a) a written statement signed by or for a victim of the behaviour;  
11           or
- 12           (b) an oral statement by or for a victim of the behaviour; or
- 13           (c) in any other way the panel considers appropriate.
- 14           (2) The panel must allow the written statement to be read aloud, or a  
15           statement that is not written to be given orally, if the maker wishes  
16           the statement to be given to the panel in that way.

17           **15CF      Harm statement—use by panel**

- 18           (1) In deciding how a child should be treated for their harmful behaviour,  
19           the panel—
- 20           (a) must take into account a harm statement given to the panel in  
21           relation to the behaviour when exercising any panel function to  
22           which the statement is relevant; and
- 23           (b) must not draw any inference about the harm suffered by a victim  
24           from the fact that a harm statement is not given to the panel in  
25           relation to the behaviour.

1                   **Examples—par (a)**

- 2                   1    assessing the therapeutic needs and best interests of a child  
3                   2    developing a plan for therapeutic treatment of the child  
4                   3    promoting a child’s accountability for harmful behaviour  
5                   4    use in restorative justice referrals

6                   (2) The panel may provide a copy or recording of a harm statement or  
7                   part of a harm statement to the child if—

- 8                   (a) the panel considers providing the statement to the child to be in  
9                   the best interests of the child; and  
10                  (b) the maker of the statement agrees to the copy or statement being  
11                  given to the child.

12                  **15CG   Harm statement—relevant entity to tell victims about**  
13                  **harm statement**

14                  (1) A relevant entity must, as soon as practicable, tell the victim the  
15                  following:

- 16                  (a) who may make a harm statement;  
17                  (b) that a statement may be made orally or in writing;  
18                  (c) what information a statement must and may include;  
19                  (d) how a statement may be used by the therapeutic support panel  
20                  in carrying out its functions, including that—  
21                       (i) a copy of the statement may be given to the child; and  
22                       (ii) the panel must consider the statement in carrying out its  
23                       functions.

- 1           (2) In this section:  
2                 *relevant entity* means the following:  
3                 (a) the chief police officer;  
4                 (b) the therapeutic support panel;  
5                 (c) the commissioner.

6   **15CH   Information disclosure to victim of harmful behaviour**

- 7           (1) The therapeutic support panel or the commissioner may disclose  
8                 information about a child's harmful behaviour, including information  
9                 about the therapeutic treatment of the child's harmful behaviour, to  
10                the victim of the behaviour but only if—  
11                (a) the chair of the panel and the commissioner agree that disclosure  
12                of the information is appropriate in the circumstances; and  
13                (b) the information does not include personal information or  
14                personal health information about the child.  
15           (2) If the victim is under 15 years old, the panel or commissioner may  
16                 disclose the information to a person with parental responsibility for  
17                 the victim or a person acting for a victim or both.  
18           (3) In deciding whether disclosure of the information is appropriate in the  
19                 circumstances, the panel and commissioner must consider all relevant  
20                 circumstances, including the following:  
21                 (a) the age of the child;  
22                 (b) the nature of the harmful behaviour;  
23                 (c) the effect of the harmful behaviour on the victim.

1 (4) In this section:

2 *personal health information*—see the *Health Records (Privacy and*  
3 *Access) Act 1997*, dictionary.

4 *personal information*—see the *Health Records (Privacy and Access)*  
5 *Act 1997*, dictionary.

6 *person with parental responsibility*, for a victim under 15 years old—  
7 means a person with parental responsibility for the victim under the  
8 *Children and Young People Act 2008*, division 1.3.2.

9 **130 Definitions—div 3A.3A**  
10 **Section 15CA (1), definition of *child***

11 *substitute*

12 *child* means a person under 14 years old.

13 **131 Section 15CB**

14 *substitute*

15 **15CB Application—div 3A.3A**

16 This division applies if—

- 17 (a) a child has engaged in harmful behaviour; and  
18 (b) there is a victim of the behaviour; and  
19 (c) the child is not the subject of a criminal proceeding for the  
20 harmful behaviour.

1 **132** **Victims services scheme—eligibility**  
2 **Section 20**

3 *after*

4 All victims

5 *insert*

6 , including a victim under division 3A.3A,

7 **133** **Dictionary, new definitions**

8 *insert*

9 *child*, for division 3A.3A (Victims rights—harm statement etc)—see  
10 section 15CA (1).

11 *harm*, for division 3A.3A (Victims rights—harm statement etc)—see  
12 section 15CA (1).

13 *harmful behaviour*, for division 3A.3A (Victims rights—harm  
14 statement etc)—see section 15CA (1).

15 *harm statement*, for division 3A.3A (Victims rights—harm statement  
16 etc)—see section 15CA (1).

17 *therapeutic support panel*, for division 3A.3A (Victims rights—  
18 harm statement etc)—see the *Children and Young People Act 2008*,  
19 dictionary.

20 **134** **Dictionary, definition of *victim***

21 *substitute*

22 *victim*—

23 (a) for this Act generally—see section 6; and

24 (b) of a child’s harmful behaviour, for division 3A.3A (Victims  
25 rights—harm statement etc)—see section 15CA (1).

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1 **Part 11** **Victims of Crime (Financial**  
2 **Assistance) Act 2016**

3 **135** **Meaning of *homicide***  
4 **New section 10 (2)**

5 *insert*

- 6 (2) For the definition of *homicide*, it does not matter if the person who  
7 commits the offence lacks the legal capacity to be charged with, or  
8 convicted or found guilty of, the offence.

9 **136** **Application to commissioner**  
10 **New section 31 (2A)**

11 *after the note, insert*

- 12 (2A) However, the application need not comply with the requirement  
13 under subsection (2) (d) (i) if the act of violence was carried out by a  
14 person who was under the age of criminal responsibility for the  
15 offence in the course of which the act of violence occurred.

16 **137** **Section 31 (5), new definition of *under the age of criminal***  
17 ***responsibility***

18 *insert*

19 *under the age of criminal responsibility*—a person is *under the age*  
20 *of criminal responsibility* for an offence if the person is not  
21 criminally responsible under the [Criminal Code](#), section 25 for the  
22 offence.

1 **Schedule 1 Consequential amendments**

2 (see s 3)

3 **Part 1.1 Children and Young People**  
4 **Act 2008**

5 **[1.1] Section 37, definitions of *entitled person* and *visitable***  
6 ***place***

7 *omit*

8 a therapeutic protection place

9 *substitute*

10 an intensive therapy place

11 **[1.2] Section 336, definition of *care and protection chapters,***  
12 **paragraph (d)**

13 *substitute*

14 (d) Chapter 13 (Care and protection—emergency situations);

15 **[1.3] Section 336, definition of *care and protection chapters,***  
16 **new paragraph (ea)**

17 *insert*

18 (ea) Chapter 14A (Care and protection—therapeutic support panel  
19 for children and young people);

20 **[1.4] Section 336, definition of *care and protection chapters,***  
21 **paragraph (g)**

22 *substitute*

23 (g) Chapter 16 (Care and protection—intensive therapy for children  
24 and young people);

1 **[1.5] Section 339 (4) (b), except note**

2 *substitute*

3 (b) is being confined at an intensive therapy place under an  
4 intensive therapy order—the person must be released.

5 **[1.6] Section 340 (3)**

6 *substitute*

7 (3) A young person confined at an intensive therapy place under an  
8 intensive therapy order must be released immediately the young  
9 person becomes an adult.

10 **[1.7] Chapter 13 heading**

11 *substitute*

12 **Chapter 13 Care and protection—**  
13 **emergency situations**

14 **[1.8] Section 406 (1)**

15 *omit*

16 or emergency therapeutic protection

17 **[1.9] Section 413 (1) (b) (iv)**

18 *substitute*

19 (iv) an intensive therapy order.

20 **[1.10] Section 413 (2) (d)**

21 *substitute*

22 (d) section 541 (Intensive therapy orders—who must be given  
23 application).

1 **[1.11] Section 415 (1) (a) (iv) and (v)**

2 *substitute*

3 (iv) an interim intensive therapy order;

4 (v) an intensive therapy order; and

5 **[1.12] Section 419, note**

6 *substitute*

7 *Note* If the director-general applies for an appraisal order, a care and protection  
8 order, an assessment order or an intensive therapy order for the child or  
9 young person, the director-general need only give a copy of the  
10 application to people before the application is heard by the court  
11 (see s 413).

12 **[1.13] Section 420**

13 *omit*

14 or emergency therapeutic protection

15 **[1.14] Section 502, new definition of *in intensive therapy***

16 *insert*

17 *in intensive therapy*—see section 576.

18 **[1.15] Section 502, definition of *in therapeutic protection***

19 *omit*

20 **[1.16] Section 694 (2) (e)**

21 *omit*

22 a therapeutic protection

23 *substitute*

24 an intensive therapy

1 **[1.17] Section 701 (1), note, paragraph (d)**

2 *substitute*

3 (d) s 541 (Intensive therapy orders—who must be given application).

4 **[1.18] Section 806 (1) (d)**

5 *substitute*

6 (d) the researcher conducting the research project at a place of care,  
7 a detention place or an intensive therapy place.

8 **[1.19] Section 814 heading**

9 *substitute*

10 **814 Power to enter premises—ch 13 (Care and protection—**  
11 **emergency situations)**

12 **[1.20] Section 814 (1) (a) and notes**

13 *substitute*

14 (a) the authorised person or police officer believes on reasonable  
15 grounds that a child or young person at the premises is in need  
16 of emergency care and protection; and

17 *Note* ***In need of emergency care and protection*** is defined in s 403.

18 **[1.21] Section 816 heading**

19 *substitute*

20 **816 Power to enter premises—ch 16 (Care and protection—**  
21 **intensive therapy for children and young people)**

1 **[1.22] Section 816 (1)**

2 *omit*

3 a therapeutic protection place

4 *substitute*

5 an intensive therapy place

6 **[1.23] Section 816 (2) (a) (i)**

7 *substitute*

8 (i) is deciding whether to declare the place as an intensive  
9 therapy place under section 589; and

10 **[1.24] Section 816 (3)**

11 *omit*

12 therapeutic protection place

13 *substitute*

14 intensive therapy place

15 **[1.25] Dictionary, definition of *operating entity***

16 *omit*

17 therapeutic protection place

18 *substitute*

19 intensive therapy place

1 **Part 1.2** **Children and Young People**  
2 **Regulation 2009**

3 **[1.26] Section 3AC heading**

4 *substitute*

5 **3AC Intensive therapy register—who may have access—Act,**  
6 **s 597 (1) (i)**

7 **Part 1.3** **Crimes (Sentencing) Act 2005**

8 **[1.27] Section 33 (1) (y)**

9 *substitute*

10 (y) if the *Crimes (Restorative Justice) Act 2004*, section 19 (1) (b)  
11 applies to the offender—that fact;

12 **Part 1.4** **Criminal Code 2002**

13 **[1.28] Section 712A (5), definition of *childrens proceeding*,**  
14 **paragraph (b) (iv) and (v)**

15 *substitute*

16 (iv) an intensive therapy order; or

17 (v) an interim intensive therapy order; or

1 **Part 1.5 Food Act 2001**

2 **[1.29] Section 9 (1), definition of *sell***  
3 **paragraph (o) (i)**

4 *omit*

5 therapeutic protection place

6 *insert*

7 intensive therapy place

8 **Part 1.6 Human Rights Commission**  
9 **Act 2005**

10 **[1.30] Section 8A, note 3**

11 *omit*

12 therapeutic protection place

13 *substitute*

14 intensive therapy place

1 **Part 1.7** **Juries Regulation 2018**

2 **[1.31] Schedule 1, table 1.3, item 17, column 2**

3 *substitute*

an employee at any of the following places:

- (a) a place declared to be a detention place under the *Children and Young People Act 2008*, section 142;
- (b) a place approved as a place of care under the *Children and Young People Act 2008*, section 525;
- (c) a place declared to be an intensive therapy place under the *Children and Young People Act 2008*, section 589

4 **Part 1.8** **Mental Health Act 2015**

5 **[1.32] Section 37 (1) (c)**

6 *substitute*

- 7 (c) the person is required to submit to the jurisdiction of the ACAT  
8 under an ACAT mental health provision in a care and protection  
9 order or interim care and protection order; or

10 **[1.33] Section 178 (1)**

11 *omit*

12 interim therapeutic protection order,

13 *substitute*

14 interim intensive therapy order,

1 **[1.34] Dictionary, new definition of *interim intensive therapy***  
2 ***order***

3 *insert*

4 *interim intensive therapy order*—see the *Children and Young People*  
5 *Act 2008*, section 543.

6 **[1.35] Dictionary, definition of *interim therapeutic protection***  
7 ***order***

8 *omit*

9 **Part 1.9 Working with Vulnerable People**  
10 **(Background Checking) Act 2011**

11 **[1.36] Schedule 1, section 1.1 (2) (b)**

12 *substitute*

13 (b) under an intensive therapy order.

14 **[1.37] Schedule 1, section 1.1 (2), note**

15 *omit*

- 16 • pt 16.2 (Therapeutic protection orders);

17 *substitute*

- 18 • pt 16.2 (Intensive therapy orders);

19 **[1.38] Schedule 1, new section 1.1 (3)**

20 *insert*

21 (3) In this section:

22 *intensive therapy order*, for a child or young person—see the  
23 *Children and Young People Act 2008*, section 532.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 9 May 2023.

**2 Notification**

Notified under the [Legislation Act](#) on 2023.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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