

# Children and Young People (Places of Detention) Standing Order 2005 (No 1)

Disallowable instrument DI2005–167

made under the

***Children and Young People Act 1999*, Chapter 14, Standards and Standing Orders – Section 403 (Standing Order-Making Power) and Section 418 (Standing Orders May Operate Retrospectively).**

## EXPLANATORY STATEMENT

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Section 403 of the *Children and Young People Act 1999* allows the Minister to make a Standing Order for this Act.

The Standing Orders made under this instrument are as follows:

1. Orders, Instructions and Duties;
2. Reception, Classification and Handover of Young Persons;
3. Young Person at Risk of Self Harm and/or Suicide;
4. Aboriginal and Torres Strait Islander Young Persons;
5. Property;
6. Behaviour Management Strategies;
7. Young Person Complaints, Rights and Responsibilities;
8. Video Surveillance/Recording;
9. Visits and Visitors;
10. Health and Medical;
11. First Aid and Communicable Disease and Infection Control;
12. Hospital Watch;
13. Notifiable Incidents and Reports;
14. Use of Force;

15. Searches;
16. Drug Reporting;
17. Assaults;
18. Escapes and Attempted Escapes;
19. Death in Custody;
20. Interviewing of Young Persons;
21. Emergency Situations;
22. Escorts;
23. Vehicle Checks and Maintenance; and
24. Liaison with Other Agencies; and
25. leave Guidelines
26. Access and Physical Security.

Section 403 A of the *Children and Young People Act 1999*, enables the Minister to certify that a Standing Order or a stated provision of a Standing Order applies to the security of a place of detention and/or the safety of people at a place of detention, and that its publication would be contrary to public interest. The Minister for Children, Youth and Family Support has made such a certification in relation to the following Standing Orders:

8. Video Surveillance/Recording;
12. Hospital Watch;
14. Use of Force;
15. Searches;
17. Assaults;
18. Escapes and Attempted Escapes;
21. Emergency Situations;
22. Escorts;
23. Vehicle Checks and Maintenance; and
26. Access and Physical Security.

Section 418 (Standing orders may operate retrospective) applies to a standing order made under section 403 within 28 days after the day that section of the Children and Young People Act 1999 commences. The Disallowable Instrument ***Children and Young People (Places of Detention) Standing Order 2005 (No 1)*** is taken to have commenced from 10 May 2000.

Section 418 (2) allows that the standing order may provide that the standing order (or a provision of the standing order) commences on a date not earlier than 10 May 2000.

(3) Subsection (2) has effect despite the Legislation Act, section 76 (Non-prejudicial provision may commence retrospectively).

(4) The standing order has effect—

(a) as if it had been enacted by an Act; and

(b) despite anything in—

(i) this Act (other than this section); or

(ii) any other territory law, including the *Listening Devices Act 1992*; but

(c) subject to the *Human Rights Act 2004*.

[ends]