

Australian Capital Territory

Public Sector Management (Children and Young People) Delegation 2008 (No 1)*

Instrument of Delegation – NI2008-404

made under the

Public Sector Management Act 1994, section 36 (Delegation by Commissioner or Chief Executives)

I revoke Children and Young People (Chapter 13A) Delegation 2007 (No 1) as notified on the Legislation Register (NI2007-359) under the *Public Sector Management Act 1994*. Instruments of delegations made under the *Children and Young People Act 1999* on 21 December 2007 and 8 April 2008 remain in force.

Pursuant to section 36 of the *Public Sector Management Act 1994*, I delegate to the public sector officers holding the positions or performing the duties as specified in sub-columns A, B, C, D, E, F of column 1, Schedule 1 my powers under the provisions of the *Children and Young People Act 2008* and *Corrections Management Act 2007*, as specified in column 3, Schedule 1.

Martin Hehir
Chief Executive
Department of Disability, Housing and Community Services

8 September 2008

*Name amended under Legislation Act, s 60

TABLE OF DELEGATIONS

Youth Directorate (Youth)

A	Executive Director, Office for Children, Youth and Family Support	Position no. E 00386
B	Director, Youth Directorate	Position no. E00389
C/1	Senior Manager, Youth Policy and Programs	Position no. P11937
C/2	Senior Manager, Community Youth Justice	Position no. P04386
C/3	Senior Manager, Youth Justice Centre	Position no. P449
C/4	Acting Senior Manager, Youth Justice Centre	Position no. P0451
D		
E/1	Executive Officer	Position no. P00254
E/2	Youth Engagement Policy and Services, Senior Policy Officer	Position no. P11205
E/3	Senior Youth Justice Policy Officer	Position no. P07463
E/4	Assistant Manager, Turnaround	Position no. P07271
E/5	Assistant Manager, ADU & Youth Connections	Position no. P01106
E/6	Assistant Managers, Community Youth Justice	Position no. P11379, P07466
E/7	Operations Manager, Youth Justice Centre	Position no. P00411
E/8	Programs and Services Manager, Youth Justice Centre	Position no. P02344
E/9	CYJ Policy Manager	Position no. P15204
F/1	Youth Engagement Policy and Services Policy Officers	Position nos. P32224, P02012
F/2	Youth Justice Policy Officer	Position no. P43700
F/3	Turnaround caseworkers	Position nos. P43999, P07457, P07458, P07460
F/4	Youth Connections Team Leader	Position no. P02777
F/5	CYJ Team Leaders	Position no. P07791, P12022
F/6	CYJ Policy Officers	Position nos. P15201, 15203
F/7	Unit Managers, Youth Justice Centre	Position nos. P02885, P02886, P02888
F/8	Case Managers, Youth Justice Centre	Position nos. P07873, P43705
F/9	Youth Justice Centre Business Manager	Position no. 03519
G/1	Youth Justice Policy Officer	Position no. P01939
G/2	ADU Youth Workers	Position nos. P12044, P10454
G/3	Youth Connection Youth Workers	Position nos. P42185, P11826, 11824,
G/4	Community Youth Justice case workers	Position nos. P44588, P43690, P11991, P11596, P11426, P11424, P11411, P11409, P07401, P07402, P07403, P07731
G/5	Aboriginal Liaison Officer, Youth Justice Centre	Position no. P03296
G/6	Team Leaders, Youth Justice Centre	Position nos. P3291, P3292, P3293, P3295, P4497, P4499, P4500
G/7	Sport and Recreation Officer, Youth Justice Centre	Position no. P07286
H/1	Manager, Integrated Court Unit (ICU)	Position no. P02789
H/2	Senior Court Officer/Solicitor, ICU	Position no. T0201
H/3	Senior Court Officer, ICU	Position no. P10948
H/4	Senior Court Officer, ICU	Position no. P07517
H/5	Court Officer, ICU	Position no. P10151
H/6	Interstate Liaison Officer, ICU	Position no. P07817
H/7	Youth Justice Court Officer, ICU	Position no. P12040
H/8	Court Officer, ICU	Position no. P14427

I/1	Administrative Officer – CYJ	Position no. P45990
I/2	Executive Assistant, Director's Office	Position no. P02855
I/3	Youth Justice Centre Business Support Officer	Position no. P07674
I/4	Youth Workers, Youth Justice Centre	Position nos. PO2913,PO2914,PO2918, 02920, P02921,02922, P03297, P03299, P03300, P03301, P3302, P03303,P03304,P03305, P03306, P03307, P03308, P03309, P03310, P03311, P03312, P03314, P03315, P03316, P03317, P03327, P03328, P03329, P03330, P03331, P011441,P43708, P43709, P43710, P43712, P43713, P43423
J/1	CSO Team staff	Position no. P11462
J/2	Facilities and Services Officer	Position no. P03294
J/3	Casual Youth Workers, Youth Justice Centre	Positions nos. C07195,C07196,C07197,C07198,C07199, C07200,C07201,C07202,C07203,C07204,C07205,C07206, C07207,C07208,C07209,C07210,C07211,C07212,C07213, C07214,C07215,C07216,C07217,C07218,C07219,C07220, C07221,C07222,C07223 and C07224
K/1	Administrative Support - CYJ	Position no. P11465
K/2	Youth Justice Centre Administrative Support	Position no. 10187

SCHEDULE 1

Note: When a single letter is used in Column 1, this applies to all positions within that group.

Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
							Chapter 1 - Preliminary
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Aboriginal and Torres Strait Islander children and young people principle Identify any Aboriginal or Torres Strait Islander people or organisations providing ongoing support services to a child or young person or their family who are then able to make submissions to a decision maker making a decision under the Act section 10(b)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Who is a significant person for a child or young person? Consider who is a significant person in a child or young person's life section 14
							Chapter 2 - Administration
		B C/3 C/4				Subject: Power and/or function: Reference:	Chief executive instructions May make instructions for the management or operation of any administrative function under this Act section 23(1)
		B C/3 C/4				Subject: Power and/or function: Reference:	Chief executive may ask for assistance etc May ask a territory entity or an ACT education provider to provide assistance, facilities or services relevant to the physical or emotional wellbeing of a child or young person section 25(1)
		B C/3 C/4				Subject: Power and/or function: Reference:	Chief executive must give identity cards Must give an authorised person an identity card stating all of the details outlined in section 26(2) and (3)(a) to (c) section 26(2)
							Chapter 4 – Criminal matters - General
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Meaning of youth detention officer Youth detention officer is an authorised person to whom the Chief Executive has delegated functions of a youth detention officer under the criminal matters chapters section 96
		C/3 C/4				Subject: Power and/or function:	Treating doctors - health service appointments Receive written directions from the treating

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A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
						Reference:	doctor to protect the health of young detainees (including preventing the spread of disease at detention places) section 97(4)
		C/3 C/4				Subject: Power and/or function: Reference:	Treating doctors - health service appointments Must ensure that each direction from the treating doctor is complied with unless delegate believes on reasonable grounds that compliance would undermine security or good order at the detention place section 97(5)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Health professionals - non treating functions May authorise orally or in writing a health professional to exercise non treating functions under the criminal matters chapters (chapters 4 to 9) section 98(1)
							Chapter 5 – Criminal matters - Transfers
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - directions to escort officers May give directions to an escort officer in relation to a young detainee, including directions to take the young detainee into custody or to a place stated in the direction. section 101(1)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - orders to bring young detainees before court etc Must arrange for a young detainee or child or young person in the Chief Executive's custody to be brought before a court or other entity in accordance with any order or direction (however described) of the court or entity section 102(2)
		B C/3 C/4				Subject: Power and/or function: Reference:	Arrangements for escorting people May make an arrangement for escorting a child, a young person or a young detainee with the Chief Executive responsible for the Corrections Management Act 2007 and the Chief Police Officer section 103

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ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - escorting young detainees etc - executing warrants of commitment or remand etc May make escort officers available to attend at a court or tribunal - a) to take a young detainee into custody; or b) to arrange for a young detainee to be kept in custody; or c) to transfer or otherwise deal with a young detainee section 107(1)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - transfers to health facilities May direct that a young detainee be transferred to a health facility at a detention place, or outside a detention place. Must have regard to the advice of a treating doctor when considering whether to make a direction under subsection (1) section 109(1) and (2)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - transfers to health facilities May direct an escort officer to escort the young detainee to or from the health facility, or while at the facility section 109(3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - transfers to health facilities The young detainee may be discharged only if the Chief Executive directs that the young detainee be removed from the facility; or the health professional in charge of the young detainee's care approves the discharge. The Chief Executive must have regard to the health of the young detainee when considering a direction under subsection (4) section 109(4) and (5)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - transfers to health facilities May give a direction for ensuring that a young detainee discharged from a health facility under subsection (4) is returned to a detention place stated in the direction section 109(6)

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ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		B C/3 C/4				Subject: Power and/or function:	Transfers within ACT - transfers of young detainees who become adults - transfers to correctional centres (under 21 years old) May direct that a young detainee serving a sentence of imprisonment or otherwise in custody at a detention place who is an adult be transferred to a correctional centre. Must not give a direction under subsection (1) unless satisfied that the transfer is in the best interests of the young detainee or other young detainees. When deciding best interests the Chief Executive must consider subsection (3) (a - h) and may also consider any other relevant matter
		B C/3 C/4				Reference: Subject: Power and/or function:	section 111(1) to (4) Transfers within ACT - transfers of young detainees who become adults - transfers to correctional centres (under 21 years old) If a direction is given under subsection (1) the Chief Executive may direct an escort officer to escort the young detainee from the detention place to the correctional centre
		B C/3 C/4				Reference: Subject: Power and/or function:	section 111(5) Transfers to correctional centres – 21 year olds Must give the directions necessary to ensure that a young detainee who turns 21 years old is transferred to a correctional centre.
		C/3 C/4 E/7 E/8 F/7				Reference: Subject: Power and/or function:	Section 112(2) Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees If the young detainee is under 18 years old the Chief Executive must take reasonable steps to tell someone who has daily care responsibility, or long term care responsibility, for the young detainee about the transfer
		C/3 C/4 E/7 E/8 F/7				Reference: Subject: Power and/or function:	section 113(2) Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees If the Chief Executive and someone else share daily care responsibility, or long term care responsibility, for the young detainee, the Chief Executive must take reasonable steps to tell the other person
						Reference: Subject: Power and/or function:	section 113(3) Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees If the Chief Executive and someone else share daily care responsibility, or long term care responsibility, for the young detainee, the Chief Executive must take reasonable steps to tell the other person

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		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees If the young detainee is 18 years or older, the Chief Executive must take reasonable steps to tell the young detainee's nominated person about the transfer section 113(4)
		B				Subject: Power and/or function: Reference:	Interstate transfers - transfer arrangements If a transfer agreement is in force the Chief Executive may make a transfer arrangement with a Minister of a State or a person authorised by this Minister for the transfer of a particular young offender from the ACT to the State or to the ACT from the State. May make a transfer arrangement with the Minister or a person authorised to fix a mistake in a transfer arrangement section 116(1) to (3)
		B C/2 C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - power to arrange for transfers May make a transfer arrangement for the transfer of a young offender from the ACT to a State according to section 117 section 117
		B C/2 C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - transfer arrangements - facilities must be adequate May only make a transfer arrangement from a State to the ACT if satisfied that there are adequate facilities in the ACT section 118
		B C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - custody of person on transfer order Must make a written transfer order if the transfer arrangement is for a transfer from the ACT to a State and in the custody of a transfer escort section 120(1)
		B C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - custody of person on transfer order Approval of a person acting as a transfer escort section 120(2)

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		B C/3 C/4				Subject: Power and/or function: Reference:	Custody pending interstate transfer If the Chief Executive makes a transfer arrangement for the transfer of a young offender from the ACT to a State, the young offender may be detained in a detention place until the young offender is delivered to the transfer escort. section 121
		C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - transit through ACT - Chief Executive may receive young offenders May receive at a detention place young offenders being transferred through the ACT under a transfer agreement section 127
		C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - transit through ACT - lawful custody for transit through the ACT May receive and detain a young offender brought into the ACT by a transfer escort (authorised by a transfer agreement) for a period of time stated by the transfer escort and at the end of the time deliver the young offender into the custody of the transfer escort section 128(3)
		C/3 C/4 E/7 E/8				Subject: Power and/or function: Reference:	Revocation of transfer order—offence during transfer The Childrens Court may, on application by the Chief Executive, revoke a transfer order in relation to a young offender section 133(1)
		B C/3 C/4				Subject: Power and/or function: Reference:	Interstate transfers - revocation of transfer order by Chief Executive May revoke a transfer order at any time before the young offender is delivered into custody in the receiving State. If the transfer order is revoked the Chief Executive may make a further transfer arrangement with the receiving State for the return of the young offender to the ACT section 134
		B C/2 C/3 C/4 E/7 E/8				Subject: Power and/or function:	Interstate transfers - revocation of transfer orders May consider reports etc from a person responsible for a young offender in the ACT or a person who has had custody, care or supervision of a young offender in the ACT or a State

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						Reference:	section 135
							Chapter 6 – Criminal matters – Detention places
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Definitions—ch 6, definition of accredited person Approve a representative of an entity providing a service or program to the young detainee at a detention place as an accredited person section 137, definition of accredited person, (b)
		C/3 C/4				Subject: Power and/or function: Reference:	Detention places - minimum living conditions Must ensure that conditions at detention places meet at least the minimum standards as set out in section 141 (1)(a) to (k) section 141(1)
		B C/2 C/3 C/4				Subject: Power and/or function: Reference:	Youth detention policies and operating procedures Decide on places other than a detention place where each youth detention policy and operating procedure may be made available for inspection section 143(3)(b)
		C/3 C/4				Subject: Power and/or function: Reference:	Copies of Act, policies etc to be available for inspection at detention place Must ensure copies of the Children and Young People Act 2008 and youth detention policies and operating procedures are available for inspection by young detainees at each detention place section 144
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Chief executive directions May give reasonable directions in relation to a young detainee about anything related to the criminal matters chapters (chapters 4 to 9). May give a direction in relation to any provision set out in section 146(2)(a) to (c). A direction may be given orally or in writing and may apply to one, two or more young detainees section 146
		C/3 C/4				Subject: Power and/or function: Reference	Prohibited areas Must take all reasonable steps to ensure that the prohibited area is brought to the attention of all young detainees section 147(2)

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		A				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Declaration of emergency</p> <p>May declare that an emergency exists in relation to the detention place. May make declarations for 2 or more consecutive periods in relation to the same emergency. The first declaration is a notifiable instrument. A declaration for a second or subsequent period in relation to the same emergency is a disallowable instrument</p> <p>section 149</p>
		C/3 C/4				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Emergency powers</p> <p>While an emergency is declared in relation to a detention place the Chief Executive may carry out 1 or more of the actions set out at section 150(1)(a) to (d). Must ensure that action taken under this section is necessary and reasonable</p> <p>section 150</p>
		B C/3 C/4				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Arrangements with police</p> <p>May make arrangements with the chief police officer for police assistance in relation to the criminal matters chapters (chapters 4 to 9)</p> <p>section 151</p>
		B C/3 C/4				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Assistance from other Chief Executives</p> <p>May ask another Chief Executive for assistance in relation to the exercise of functions under the criminal matters chapters (chapters 4 to 9)</p> <p>section 152(1)</p>
		C/3 C/4 E/7 E/8 F/7				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Assistance from other Chief Executives</p> <p>A corrections officer providing assistance under section 152 may exercise any function exercisable by a youth detention officer under the criminal matters chapters in accordance with any direction by the Chief Executive</p> <p>section 152(3)</p>
		A B C/3 C/4				<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Inspection at detention places - relationship with other inspection laws</p> <p>May make arrangements with a person responsible for the exercise of functions under an inspection law to ensure the safety of an inspector or anyone else affected by the exercise of the function in relation to a young detainee or detention place.</p> <p>section 154(3)</p>

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		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Inspection at detention places - relationship with other inspection laws Give a reasonable direction to a person exercising a function under an inspection law in relation to the safety of anyone at the detention place or security or good order at the detention place section 154(4)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Admission to detention places - authority for detention Before a young detainee is admitted to a detention place, the Chief Executive must be given the warrant or other authority for the detention section 156(2)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Admission to detention places - detention - notifying people responsible for or nominated by young detainees If a young detainee is under 18 the Chief Executive must tell someone who has daily care responsibility or long term care responsibility for the young detainee about the matters mentioned in section 157(1)(a) and (b). If the Chief Executive and someone else share daily care responsibility, or long term care responsibility, for the young detainee, the Chief Executive must take reasonable steps to tell the other person about the matters mentioned in section 157(1)(a) and (b). If a young detainee is 18 years or over the Chief Executive must tell the young detainee's nominated person about the matters mentioned in section 157(1)(a) and (b) section 157(1), (2), (3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Admission to detention places - identification of young detainees May direct that all or any of the items at section 158(1)(a) to (d) be taken of or from the young detainee for the identification of the young detainee section 158(1)

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		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Admission to detention places - information - entitlements and obligations Must take reasonable steps to explain to the young detainee all matters outlined at section 159(1)(a) to (g) as soon as practicable after a young detainee is admitted to a detention place. Must arrange for the assistance of an interpreter if the young detainee is unable, because of inadequate knowledge of the English language or a disability, to communicate with reasonable fluency in English. Must tell a diplomatic or consular representative of a foreign country about the detention of a national of that country, if asked by the young detainee or if the Chief Executive considers it is in the best interests of the young detainee. section 159(1), (3), (5)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Admission to detention places - initial assessment Must ensure that each young detainee admitted to a detention place is assessed as outlined in section 160(1)(a) and (b). Must ensure that any ongoing needs and risks are addressed in the young detainee's case management plan (if any) section 160
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Health assessment A treating doctor who makes an assessment or reviews an assessment made under section 160 must give a report of the assessment to the Chief Executive. Section 161(4)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Admission to detention places - alcohol and drug tests on admission May direct the young detainee orally or in writing to provide a test sample section 162(1)
		C/3 C/4				Subject: Power and/or function: Reference:	Admission to detention places - security classification Must arrange for a young detainee to be given a security classification under section 190 as soon as practicable after young detainee's admission section 163

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ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/8 F/8 G/5				Subject: Power and/or function: Reference:	Admission to detention places - case management plan Must arrange for a case management plan to be prepared for a young detainee as soon as practicable after young detainee's admission. May prepare a case management plan for a young detainee at a detention place who is a young remandee section 164
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Admission to detention places - entries in register of young detainees Must ensure on admission that details of each young detainee are entered in the register of young detainees section 165
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Requirements and considerations about placement and separation of young detainees Must ensure in placing a young detainee that conditions as outlined in section 166(2)(a) to (c) are followed. Subsection (2) does not apply if the Chief Executive believes on reasonable grounds that another placement will be in the best interests of all affected detainees. When deciding where to place a young detainee must consider matters outlined at section 164(4)(a) to (d). May also consider any security classification given to the young detainee under section 163. section 166
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions at detention places - food and drink Must ensure that food and drink provided for young detainees meets requirements outlined in section 167(1)(a) to (c). Must ensure that allowance is made for religious, spiritual and cultural needs of young detainees in relation to food and drink. Must ensure if a particular diet is prescribed for a young detainee that diet is provided. section 167
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions at detention places – clothing Must ensure that clothing provided for young detainees is in accordance with section 168 section 168

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ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions at detention places - personal hygiene Must ensure the entitlements for each young detainee regarding facilities and personal hygiene as outlined in section 169 are provided section 169
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions at detention places - sleeping areas Must ensure that entitlements for each young detainee regarding sleeping places as outlined in section 170 are provided section 170
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions - access to open air and exercise Must ensure that young detainees have access to open air and exercise in accordance with conditions in section 172 section 172
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions - communication with family and others Must ensure that adequate opportunities are provided for young detainees to be able to remain in contact with family and others according to section 173 section 173
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions - telephone calls Must ensure that each detention place has telephone facilities for use by young detainees. Must pay for telephone calls made by a young detainee unless on reasonable grounds it is appropriate for the young detainee to pay for the calls. section 174(1),(4)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Living conditions - telephone calls May give directions denying or limiting the use of a telephone by a young detainee. section 174(6)
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions – mail Must ensure, as far as practicable, that young detainees can send and receive as much mail as they wish. section 175(1)

SCHEDULE 1

Note: When a single letter is used in Column 1, this applies to all positions within that group.

Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function:	Living conditions -mail A young detainee may send mail to, and receive mail from any family member, significant person or other person nominated by the young detainee by written notice given to the Chief Executive. May give directions denying or limiting the sending or receiving of mail by a young detainee on grounds outlined in section 175(4)(a) and (b)
		C/3 C/4				Reference: Subject: Power and/or function:	Section 175(2), (4) Living conditions - news and education Must ensure, as far as practicable, that young detainees have reasonable access to news and information, a library service and education or training as outlined at section 176(1)(a) to (c)
		C/3 C/4 E/8				Reference: Subject: Power and/or function:	section 176(1) Living conditions - news and education Must, as part of a young detainee's case management plan, approve a young detainee participating in academic, vocational or cultural education or training if satisfied it would benefit the young detainee in one of the ways in (2)(a),(b) or (c)
		C/3 C/4				Reference: Subject: Power and/or function:	Section 176(2) Living conditions - visits by family members Must ensure that each detention place has suitable facilities for young detainees to receive visits from family members and significant people.
		C/3 C/4 E/7 E/8 F/7				Reference: Subject: Power and/or function:	section 177(1) Living conditions - visits by family members May give directions denying or limiting a visit on grounds outlined in section 177(4)(a) and (b).
		C/3 C/4 E/7 E/8 F/7				Reference: Subject: Power and/or function:	section 177(4) Living conditions - contact with accredited people Must ensure that a young detainee has adequate opportunities for contact with an accredited person (see section 137) whether by telephone, mail or visit. May give directions denying or limiting a young detainee's contact with an accredited person on the grounds outlined at section 178(3)(a) and (b)
						Reference:	section 178

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Visits - protected communication Must not listen to, or record, a communication at a visit between a young detainee and any of the people listed at section 179(a) to (f) section 179
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions - health care Must ensure that young detainees have a standard of health care as outlined at section 180(1)(a) to (d). Must ensure that young detainees have access to health services as outlined at section 180(2)(a) to (d) section 180
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Chief Executive's consent to medical treatment for young detainees May consent to medical treatment for the young detainee if delaying the treatment until a person who has daily care responsibility can be located would be detrimental to the young detainee's health section 181
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Living conditions - injury etc notifying people responsible Must tell a person who has daily or long term care responsibility about the condition if the young detainee is under 18. Must tell the nominated person about the condition if young detainee is 18 or over. section 182
		C/3 C/4				Subject: Power and/or function: Reference:	Living conditions - religious, spiritual and cultural needs Must ensure provision is made at detention places for the religious, spiritual and cultural needs of young detainees as well as access to religious services etc. May give directions denying or limiting a young detainee's access to religious services and practices according to section 183(3)(a) to (d) section 183

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Compliance with Chief Executive's directions A young detainee must comply with any direction given under the criminal matters chapters to the young detainee by the Chief Executive. section 184
		C/3 C/4 E/7 F/7				Subject: Power and/or function: Reference:	Management and security - register of young detainees Must keep a register of each young detainee at a detention place. The register must contain all details listed in section 185(2)(a) to (p) section 185
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Management and security - health reports May ask a relevant Chief Executive for a written report about a young detainee's health. Must ensure that a treating doctor assesses the health report from a relevant Chief Executive, and includes a statement of the young detainee's condition (a health schedule) in the young detainee's case management plan. The health schedule must include information outlined in section 186(5)(a) to (b). Must ensure that the relevant Chief Executive's health report and the health schedule is available only to people authorised by the Chief Executive. section 186
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Management and security - use of medicines May approve the use of a medicine, other than a prescription only medicine, by a young detainee. May seek the advice of a treating doctor before approving the use of a medicine, other than a prescription only medicine, by a young detainee. If use of a medicine is approved under section 187(1) the Chief Executive must ensure that the details of the approval, and the reasons for it, are recorded in the young detainee register section 187
		E/8 F/8 G/5				Subject: Power and/or function: Reference:	Case management plans - scope etc Must maintain an individual case management plan for each young detainee other than a young remandee. May maintain an individual case management plan for a young detainee who is a young remandee section 188
		C/3 C/4				Subject:	Transgender and intersex young detainees - sexual identity

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		E/7 E/8 F/7				Power and/or function:	May choose the sex the young detainee is to be identified with if the young detainee fails/refuses to make a choice themselves. May, on application by the young detainee, approve a change in the sex the young detainee chooses to be identified with. Must obtain a report by a non-treating doctor or other non-treating health professional about the young detainee's sexual identity before making a decision under section 189(2) or (3). May also obtain a report by a non-treating doctor or other non-treating health professional about the young detainee's sexual identity on other grounds outlined in section 189(5)(a and b). Must give the young detainee written notice of a decision made under section 189(2) or (3) and ensure that the young detainee's chosen sex is entered in the register of young detainees
						Reference:	section 189
		C/3 C/4				Subject:	Management and security - security classification – basis
						Power and/or function:	Must give a young detainee a security classification. May review the classification at any time. When deciding a young detainee's security classification must consider issues outlined at section 190(2)(a) to (f) and 190(3)
						Reference:	section 190
		C/3 C/4 E/7 E/8 F/7				Subject:	Management and security - property of young detainees
						Power and/or function:	May allow a young detainee's property to be brought into a detention place. May give directions imposing conditions in relation to the property.
						Reference:	section 191(1), (2)
		C/3 C/4 E/7 E/8 F/7				Subject:	Management and security - property of young detainees
						Power and/or function:	Must ensure that the register of young detainees includes details of the property each young detainee has at a detention place.
						Reference:	section 191(3)
		C/3 C/4				Subject:	Management and security - possession of prohibited things
						Power and/or function:	Can approve the young detainee's possession of a prohibited thing
						Reference:	section 192(2)
		C/3				Subject:	Mandatory reporting of threats to security etc at

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/4 E/7 E/8 F/7 G/6 I/4 J/3				Power and/or function: Reference:	detention place A person must report to the Chief Executive in the circumstances described at section 193(1) section 193(2)
		C/3 C/4				Subject: Power and/or function: Reference:	Trust accounts of young detainees Must ensure that money belonging to a young detainee is held for the detainee in a trust account. May deduct amounts from a young detainee's trust account for payment of any fine or reparation that must be paid as a result of disciplinary action against the young detainee section 194
		C/3 C/4 E/7 F/7				Subject: Power and/or function: Reference:	Management and security - register of searches and uses of force Must keep a register of searches carried out and incidents involving the use of force. The register must contain all details listed in section 185(1)(2)(a) to (h) and any other details the Chief Executive considers relevant section 195
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Monitoring - general considerations Must ensure that considerations outlined in section 197(a) to (g) are balanced appropriately when exercising a function under this division section 197
		C/3 C/4				Subject: Power and/or function: Reference:	Notice of monitoring Must ensure that each person who enters a detention place is aware that they may be monitored, by people and electronically, and that their actions and voice may be recorded section 198
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Monitoring at detention places May arrange for any part of a detention place to be monitored for any activity section 199

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Monitoring telephone calls etc May monitor or record an electronic communication with a young detainee other than a protected electronic communication. Must tell the parties to the communication that it might be monitored and recorded. section 200(2),(3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Monitoring telephone calls etc Must give information to the chief police officer if the communication reveals information about the commission of an offence section 200(4)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Monitoring ordinary mail May open and search a young detainee's mail, other than protected mail. May read a young detainee's ordinary mail only on the grounds outlined in section 201(2)(a to d) section 201(1) and (2)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Monitoring protected mail May open and search a young detainee's protected mail in the young detainee's presence on grounds outlined in section 202(1)(a) or (b). Must not read a young detainee's protected mail without the young detainee's written consent section 202
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Mail searches – consequences Must give information to the chief police officer if a search of a young detainee's mail reveals information about, or evidence of the commission of an offence section 203(2)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Segregation - notice of segregation directions - safe room and other Must prepare a notice of a segregation direction. The notice must be given to the people outlined in section 207(2)(a to d) section 207
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function:	Segregation - safe room May direct that a young detainee be segregated from other young detainees by separate confinement in a safe room on the grounds

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
						Reference:	outlined in section 209(1) to (3). Must revoke the direction if the grounds for making the direction no longer exist section 209
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Safe room segregation directions – privacy Requirement at subsection (1) that the confining of a young detainee under a safe room segregation direction, and any force used to compel compliance with the direction, must not be done in the presence or sight of another young detainee does not apply if the Chief Executive believes on reasonable grounds that the grounds outlined in section 210(2)(a) and (b) exist section 210(2)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Review of safe room segregation directions Must review a safe room segregation direction in accordance with section 211(1) to (3). After reviewing a safe room segregation direction the Chief Executive must carry out one of the actions listed in section 211(4)(a) to (d). May make more than one further safe room segregation direction after a review. section 211
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Other segregation - safety and security May direct that a young detainee be segregated from other young detainees if the segregation is necessary to ensure safety and security. Must revoke the direction if the protection is no longer necessary or prudent section 212
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Other segregation - protective custody May direct that a young detainee be segregated from other young detainees if the segregation is necessary or prudent to protect the young detainee's custody. Must revoke the direction if the protection is no longer necessary or prudent section 213

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Other segregation – health May direct that a young detainee be segregated from other young detainees on health grounds outlined in section 214(1)(a) to (b). Must revoke the direction if the protection is no longer necessary or prudent section 214
		B C/3 C/4				Subject: Power and/or function: Reference:	Internal review of segregation directions May review a segregation direction at any time. Must review the direction under the circumstances outlined at 217(1)(b) to (d). After reviewing the original segregation direction may confirm, revoke or make a further direction. If the direction is a health segregation direction must have regard to any advice by a treating doctor. May make more than one further segregation direction after a review section 217
		C/3 C/4				Subject: Power and/or function: Reference:	Notice of decision about segregation direction External reviewer must give prompt written notice of the external reviewer's decision to the Chief Executive Section 221(2)(d)
		C/3 C/4 E/7 F/7				Subject: Power and/or function: Reference:	Register of segregation directions Must keep a register containing details in relation to each segregation direction as outlined in section 222(1) and (2). The register must be available for inspection by any of the people outlined at section 222(3). section 222
		C/3 C/4				Subject: Power and/or function: Reference:	Use of force - managing use of force Must make arrangements to ensure that the use of force in relation to the management of young detainees is always a last resort and in accordance with division 6.6.4. section 223(1)
		C/3 C/4				Subject: Power and/or function: Reference:	Use of force - managing use of force Must ensure that youth detention officers do not use force without first considering conditions in section 223(2)(a) and (b). section 223(2)

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Use of force - managing use of force Must ensure that a young detainee injured by the use of force under division 6.6.4 is examined by a treating doctor and that appropriate health care is available to the young detainee. Must give a young detainee the opportunity to be examined by a treating doctor or a nurse after any use of force in relation to the child or young person. section 223(4) and (5)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Authority to use force A youth detention officer may use force under this division if the grounds at 224(a) are met and (b) the force is necessary and reasonable for any of the following: (i) to compel compliance with a direction given in relation to a young detainee by the Chief Executive; section 224(b)(i)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Use of force - use of restraint Must ensure that the use of force involving a restraint is proportionate to the circumstances as outlined at 226(2)(a) to (c). section 226(2)
		C/3 C/4				Subject: Power and/or function: Reference:	Use of force - use of restraint Must ensure that restraints are only used by youth detention officers trained to use them and in accordance with a youth detention policy or operating procedure that applies to their use. section 226(3)
		C/3 C/4				Subject: Power and/or function: Reference:	Use of force - monthly reports Must ensure as soon as practicable after the end of each month a youth detention officer gives the Chief Executive a report summarising the incidents (if any) during the month that involved the use of force in relation to a young detainee section 227
		C/3 C/4				Subject: Power and/or function: Reference:	Access to detention places - visiting conditions Must bring the visiting conditions to the attention of visitors at a detention place as outlined in section 229(2)(a) to (b) section 229

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4				Subject: Power and/or function: Reference:	Taking prohibited things etc into detention place Exception to offence to take a prohibited thing etc into a detention place if the action is approved by the Chief Executive section 230(2)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Access to detention places - directions to visitors May, orally or in writing, give a direction to a visitor at a detention place to ensure compliance with visiting conditions or for security or good order at a detention place section 231(1)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Access to detention places - directions to leave detention place etc May direct a person at a detention place not to enter the place or to leave the place. May give the direction only on the grounds outlined in section 232(2)(a)(i) to (iv) section 232
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Access to detention places - removing people from detention place May direct a youth detention officer to enforce a direction under section 232 if the person given the direction contravenes the direction section 233(1)
		C/3 C/4				Subject: Power and/or function: Reference:	Maintenance of family relationships - Chief Executive may allow young child to stay with young detainee May, by direction, allow the young detainee to have contact with or care for the child in a detention place. Must not give a direction unless conditions in section 234(3)(a) and (b) are satisfied section 234(2) and (3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Alcohol and drug testing of young detainees May direct a young detainee to provide a stated kind of test sample. May give a young detainee a direction about the way the young detainee must provide the test sample. Must, after receiving the results of any test conducted on the test sample, give notice of the results to the young detainee and persons who are nominated by or who have responsibility for the young detainee section 237

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Effect of positive test sample by young detainee May have regard to the positive test sample in making any decision in relation to the management of the young detainee section 238(2)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Young detainees - local leave directions May, in writing, direct that a young detainee be taken from a detention place to another place in the ACT subject to conditions in section 240(3)(a) to (b) section 240
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Young detainees - local leave permit Must give the young detainee a written local leave permit to be absent for the purpose for which the local leave direction was given or any other appropriate purpose section 241
		B C/3 C/4				Subject: Power and/or function: Reference:	Interstate leave permits May by written notice give a young detainee leave to travel to and from, and remain in, another State on the grounds outlined in section 242 section 242
		B C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Lawful temporary absence from detention place Young detainee who is absent from a detention place under a direction by the Chief Executive, including a direction under section 109 or 111, is taken to be in the Chief Executive's custody and escort officer's custody, if under escort section 245(1)(a)
							Chapter 7 – Criminal matters – Search and seizure at detention places
		C/3 C/4 E/7				Subject: Power and/or function: Reference:	Searches - use of search dog May direct a youth detention officer to use a search dog to assist in conducting a search if the assistance of the dog would minimise the intrusiveness of the search section 249(1) and (2)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function:	Notice of strip and body searches Must ensure that a person who has daily or long term care responsibility is told about a search if it is to be conducted on a young detainee who is

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		G/6				Reference:	under 18. Must ensure that a person who is the young detainee's nominated person is told about a search if it is to be conducted on a young detainee who is 18 or over. section 251
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Scanning, frisk and ordinary searches – directions May direct a youth detention officer to conduct a scanning, frisk or ordinary search of a young detainee section 252(1)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Requirements for scanning, frisk and ordinary searches Requirement for a frisk search of a young detainee to be conducted by a youth detention officer of the same sex as the young detainee does not apply if the Chief Executive believes on reasonable grounds that— (a) there is an imminent and serious threat to the personal safety of the young detainee or someone else; and (b) compliance with subsection (3) would exacerbate the threat. section 253(4)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Strip searches May direct a youth detention officer to strip search a young detainee if the strip search is necessary for an initial assessment under section 160 but must be conducted according to section 254(2). May arrange for the search to be conducted in the presence of a support person according to section 254(3)(a) to (c). In making a decision must have regard to the young detainee's age, maturity, developmental capacity and any known history section 254
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Strip searches of young detainees under 18 years old – no-one with parental responsibility available Must ensure that the strip search is conducted in the presence of a support person as outlined at section 255(2)(a) and (b) section 255(2)

SCHEDULE 1

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Strip searches of young detainees under 18 years old – no-one with parental responsibility available A strip search on admission may continue in the absence of a support person if the Chief Executive directs the support person to leave under section 256 (2). Section 255(3)(b)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Strip searches on admission - directing person to leave May direct the person to leave the search area if that person is preventing or hindering the conduct of the search section 256(2)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Strip searches - removing people from search area May direct a youth detention officer to enforce a direction to leave if the person given the direction contravenes the direction Section 257(1)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Strip searches directed by Chief Executive May direct a youth detention officer to strip search a young detainee only on the grounds outlined in section 258(1)(a) to (b) section 258(1)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function: Reference:	Youth detention officers at strip searches The requirement in subsection (1) (b) that a youth detention officer be the same sex as the young detainee does not apply if the Chief Executive believes on reasonable grounds that there is an imminent and serious threat to the personal safety of the young detainee and compliance with the requirement would exacerbate the threat section 260(4)(a)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Body searches directed by Chief Executive May direct a non-treating doctor to conduct a body search of a young detainee on the grounds outlined in section 264 (1) and (2) section 264
		C/3 C/4				Subject:	Obligations of Chief Executive before body searches

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		E/7 E/8 F/7 G/6 I/4 J/3				Power and/or function: Reference:	If a body search is proposed to be directed must ensure all conditions outlined in section 265(2) to (5) are met section 265
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	People present at body searches May direct 1 or more youth detention officers to be present during the search, each of whom must be the same sex as the young detainee. section 266(3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	People present at body searches Requirement in section 266(3) does not apply if Chief Executive believes the conditions in section 266(5) exist. Must make a decision about the search being conducted in the presence of a person who has daily or long term care responsibility if the young detainee is under 18, having regard to the matters in subsection (7). May arrange for a support person to be present if the young detainee is over 18. section 266(5),(6),(7),(8)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Body searches of young detainees under 18 - no-one with parental responsibility available Must ensure that the body search is conducted in the presence of a support person section 267(2)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Body searches of young detainees under 18 - no-one with parental responsibility available However, the body search may continue in the absence of a support person if the Chief Executive directs the support person to leave under section 268 (2). section 267(3)(b)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Body searches - directing people to leave May direct a person to leave a body search if that person is preventing or hindering the conduct of the search section 268(2)
		C/3 C/4 E/7 E/8				Subject: Power and/or function:	Body searches - removing people from search area May direct a youth detention officer to enforce a

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Column 1						Column 2	Column 3 (provisions of Act)
A	B	C	D	E	F		
ATSIS	CPS	Youth	S&S	EI	BIU		Children and Young People Act 2008
		F/7 G/6 I/4 J/3				Reference:	direction to leave section 269(1)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function:	Help for body searches If a non-treating doctor conducting a body search asks the Chief Executive for assistance, may direct a youth detention officer or authorise someone else present at the search to assist in the conduct of the search. The assistant must be the same sex unless the Chief Executive believes that the circumstances in (4)(a) and (b) exist
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Reference:	section 270
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function:	Body searches - rules about young detainees' clothing Must ensure that the young detainee is left with, or given, appropriate clothing to wear if their clothing is seized during a body search
		C/3 C/4 E/7 E/8 F/7 G/6				Reference:	section 271(3)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function:	Searches of people other than detainees May direct a youth detention officer to conduct a scanning, frisk or ordinary search of a person at a detention place who is not a young detainee
		C/3 C/4 E/7 E/8 F/7 G/6				Reference:	section 274(1)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function:	Searches - premises and property May, at any time, direct a youth detention officer to search premises and property at a detention place as outlined in section 275(1)(a) to (c)
		C/3 C/4 E/7 E/8 F/7				Reference:	section 275(1)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function:	Searches of young detainee cells - privileged material May make arrangements for the secure storage of privileged material for young detainees
		C/3 C/4 E/7 E/8 F/7				Reference:	section 276(3)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function:	Seizing mail etc May seize anything in a young detainee's protected or other mail as outlined in section 280(1) to (2) only if the document is not privileged. If privileged must return the document immediately
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Reference:	section 280

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		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Seizing property – general May seize property as outlined in section 281(1)(a) to (b). May seize a document only if the Chief Executive believes that the document is not privileged section 281 (subject to delegation for section 281(1)(a) regarding written approval of the Chief Executive to possess the prohibited thing)
		C/3 C/4				Subject: Power and/or function: Reference:	Seizing property – general May give written approval for a person to possess a prohibited thing section 281(1)(a)
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Notice of seizure Must prepare and give written notice of a seizure section 282(1) and (2)
		C/3 C/4 E/7				Subject: Power and/or function: Reference:	Forfeiture of things seized Decides if a thing seized is forfeited to the Territory. May deal with a thing forfeited to the Territory section 283
		C/3 C/4 E/7				Subject: Power and/or function: Reference:	Return of things seized but not forfeited If a thing is seized and not forfeited or not kept as evidence of an offence or a behaviour breach it must be returned to its owner section 284
							Chapter 8 – Criminal matters – Discipline at detention places
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference	Definitions –ch 8, definition of administrator An administrator is an authorised person to whom the Chief Executive has delegated functions of an administrator under this chapter section 286, definition of administrator
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function:	Definitions –ch 8, definition of support person for a young detainee A person can be a support person for a young detainee if— (a) the young detainee chooses the person to assist the young detainee or represent

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						Reference:	the young detainee's interests; and (b) the Chief Executive considers— (i) the person is capable of assisting the young detainee or representing the young detainee's interests; and (ii) it is in the young detainee's best interests for the person to be the young detainee's support person. section 286, definition of support person for a young detainee
		C/3 C/4 E/7 E/8 F/7 G/6 I/4 J/3				Subject: Power and/or function: Reference:	Meaning of behaviour breach A behaviour breach is contravening a direction by the Chief Executive section 287(1)(a)
		C/3 C/4				Subject: Power and/or function: Reference:	Meaning of behaviour breach A behaviour breach is being in a prohibited area without the Chief Executive's approval section 287(1)(b)
		C/3 C/4				Subject: Power and/or function: Reference:	Meaning of behaviour breach A behaviour breach is making, possessing, concealing, knowingly consuming or dealing with a prohibited thing, without the Chief Executive's approval section 287(1)(f)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Meaning of behaviour breach A behaviour breach is possessing or dealing in things without the Chief Executive's approval section 287(1)(o)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Meaning of unauthorised medicine for section 287 A medicine is an unauthorised medicine for a young detainee if the Chief Executive has not approved the use of the medicine by the young detainee under section 187 section 287(2)
		C/3 C/4 E/7 E/8 F/7 G/6				Subject: Power and/or function:	Meaning of investigator An investigator for the part means an authorised person to whom the Chief Executive has delegated functions of an investigator under this part

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						Reference:	section 291
		C/3 C/4				Subject: Power and/or function: Reference:	Appointment of investigators May appoint a person to be an investigator for this part section 292
		C/3 C/4 E/7 E/8				Subject: Power and/or function: Reference:	Behaviour management framework Behaviour management framework must provide for review by the Chief Executive (including on request by a young detainee) of decisions to impose behaviour management consequences for minor behaviour breaches section 297(3)(c)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Disciplinary action by administrator - right to contact support person Must ensure that an accused detainee has access to facilities to contact a support person as soon as practicable section 300(3)
		B C/3 C/4 E/7 E/8				Subject: Power and/or function: Reference:	Meaning of review officer for div 8.4.2 Review officer means an authorised person to whom the Chief Executive has delegated functions of a review officer under this division section 303
		B C/3 C/4 E/7 E/8				Subject: Power and/or function: Reference:	Right to contact support person—internal review Must ensure that the accused detainee has access to facilities to contact and consult with a support person section 304(3)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Right to contact support person—external review Must ensure that the accused detainee has access to facilities to contact and consult with a support person section 310(3)
		C/3 C/4				Subject: Power and/or function: Reference:	External reviewer's powers after external review The external reviewer must give prompt written notice of the external reviewer's decision under this section to the Chief Executive. section 314(2)(c)

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		C/3 C/4				Subject: Power and/or function: Reference:	External reviewer's powers after external review Must credit to the accused detainee's trust account any amount deducted from the account to pay a fine (for a behaviour breach) that the external reviewer has reduced or set aside section 314(4)
		C/3 C/4				Subject: Power and/or function: Reference:	External reviewer's powers after external review Must take steps to provide a reasonable remedy to the accused detainee if the external reviewer's decision reduces or sets aside a behaviour management consequence section 314(5)
							Chapter 9 – Criminal matters – Conduct of disciplinary reviews
		C/3 C/4				Subject: Power and/or function: Reference:	Notice of disciplinary review Must be given written notice by the review officer of a review in relation to an accused detainee section 324(1)
		C/3 C/4 E/7 E/8 F/7				Subject: Power and/or function: Reference:	Notice of disciplinary review Must offer to provide assistance to the accused detainee and tell the accused detainee about entitlements section 324(4)
		C/2 C/3 C/4				Subject: Power and/or function: Reference:	Review officer may require official reports Must comply with a written notice from the review officer to give the review officer a written report about the accused detainee section 326(1)(a)
		C/3 C/4				Subject: Power and/or function: Reference:	Notice of disciplinary hearing The review officer for a review in relation to an accused detainee must give written notice of a hearing for the review to the accused detainee and the Chief Executive section 330(1)
							Chapter 26 - Miscellaneous
		B C/3 C/4				Subject: Power and/or function: Reference:	Evidentiary certificates - Chief Executive - custody etc Can sign a certificate stating any of the matters outlined in section 882(1)(a) to (i) section 882(1)

SCHEDULE 1

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		B C/3 C/4				Subject: Power and/or function: Reference:	Evidentiary certificates - Chief Executive - custody etc Can sign a certificate stating any matter prescribed by regulation section 882(4)