

# Public Sector Management (Child and Youth Protection Services) Delegation 2017 (No 2)\*

Notifiable instrument NI2017–619

made under the

Public Sector Management Act 1994 – Section 20 (Delegation by director-general)

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## 1 Name of instrument

This instrument is the *Public Sector Management (Child and Youth Protection Services) Delegation 2017 (No 2)*.

## 2 Commencement

This instrument commences on the day it is made.

## 3 Delegation

I delegate to Kostantina Brendas my functions under the following:

- a) the provisions of the *Bail Act 1992* mentioned in schedule 1;
- b) the provisions of the *Children and Young People Act 2008* mentioned in schedule 2;
- c) the provisions of the *Court Procedures Act 2004* mentioned in schedule 3;
- d) the provisions of the *Crimes (Restorative Justice) Act 2004* mentioned in schedule 4;
- e) the provisions of the *Crimes (Sentence Administration) Act 2005* mentioned in schedule 5;
- f) the provisions of the *Crimes (Sentencing) Act 2005* mentioned in schedule 6;
- g) the provisions of the *Drugs of Dependence Act 1989* mentioned in schedule 7.

## 4 Revocation

I revoke any previous delegations I have made to Kostantina Brendas.

Michael De'Ath  
Director-General  
Community Services Directorate  
16 November 2017

\*Name amended under Legislation Act, s 60

## **Delegation Index – Director, Bimberi Youth Justice Centre**

<b>SCHEDULE</b>	<b>ACT DELEGATIONS</b>
<b>1</b>	Bail Act 1992
<b>2</b>	Children and Young People Act 2008
<b>3</b>	Court Procedures Act 2004
<b>4</b>	Crimes (Restorative Justice) Act 2004
<b>5</b>	Crimes (Sentence Administration) Act 2005
<b>6</b>	Crimes (Sentencing) Act 2005
<b>7</b>	Drugs of Dependence Act 1989

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**SCHEDULE 1 – Bail Act 1992**

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<b>Provisions of Act</b>	
<p>Subject:</p> <p>Power and/or function:</p>	<p>Supervision condition when offence committed as a young person</p> <p>(1) This section applies if –</p> <p>(a) a condition is imposed on the grant of bail to an accused person under section 25(4)(e); and</p> <p>(b) the accused person is at least 18 years old but less than 21 years old; and</p> <p>(c) the accused person was under 18 years old when the offence to which the grant of bail relates to was committed.</p> <p>(2) The director-general responsible for this Act and the director-general responsible for the Children and Young People Act 2008 must decide which of them is to be the responsible director-general for matters relating to the supervision of the accused person.</p>
<p>Reference:</p>	<p>Section 25A(2)</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p><i>Conditions on which bail may be granted to children</i></p> <p>(2) Without limiting section 25(1), the requirements that a child may be required to comply with about his or her conduct while released on bail include a requirement that the child –</p> <p>(a) accept supervision by the director-general under the Children and Young People Act 2008; and</p> <p>(b) comply with any reasonable directions of the director-general.</p> <p>Examples of directions</p> <p>1 a direction to attend a program</p> <p>2 a direction to comply with a mental health assessment or treatment order made by the ACAT</p> <p>3 a direction to attend drug or alcohol counselling.</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p>
<p>Reference:</p>	<p>Section 26(2)(a), (2)(b)</p>

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**SCHEDULE 2 – Children and Young People Act 2008**

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<b>Chapter 1 - Preliminary</b>	
Subject:	Aboriginal and Torres Strait Islander children and young people principle
Power and/or function:	Identify any Aboriginal and 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
Reference:	section 10(b)
Subject:	Who is a significant person for a child or young person?
Power and/or function:	Consider who is a significant person in a child or young person's life
Reference:	section 14
Subject:	Daily care responsibility for children and young people
Power and/or function:	For the making of decisions about the child or young person's daily care
Reference:	section 19
Subject:	Long term care responsibility for children and young people
Power and/or function:	For the making of long term care responsibilities for a child or young person
Reference:	section 20
<i>Chapter 2 - Administration</i>	
Subject:	Advice and Assistance by Director-General and Public Advocate
Power and/or function:	The Director-General must give the Children and Youth Services Council the advice and assistance the council reasonably asks for
Reference:	section 36
Subject:	Official visitors – functions
Power and/or function:	If Director-General is an operating entity for a therapeutic protection place or place of care must give any reasonable assistance the official visitor asks for to exercise the official visitor's functions at the place
Reference:	section 39(3)

Subject:	Director-General may approve suitable entity for purpose
Power and/or function:	May in writing approve an entity as a suitable entity for a stated purpose.
Reference:	section 63(1)
Subject:	Director-General must consider suitability information etc
Power and/or function:	Must consider each of the conditions outlined at section 64(1)(i to iii) in deciding whether the entity is a suitable entity for a stated purpose. May consider suitability information as outlined at section 65(1) (d to h). Must give written notice to the entity if considering suitability information under section 65(1) (d) or (e)
Reference:	section 64(1) and (2)
Subject:	Director-General may require suitability information
Power and/or function:	May, by written notice given to the entity, require the entity to give stated suitability information about the entity not later than a stated reasonable time
Reference:	section 66(2)
Subject:	Director-General need not decide suitability if information not provided
Power and/or function:	Director-General need not decide whether the entity is a suitable entity for a stated purpose.
Reference:	section 67(2)
Subject:	Director-General may require test etc
Power and/or function:	May, by written notice given to the entity, require the entity to do any or all of the actions in section 68(2)(a to b) not later than a stated reasonable time
Reference:	section 68(2)
Subject:	Director-General need not decide suitability if test not taken etc
Power and/or function:	The Director-General need not decide whether entity is a suitable entity for a stated purpose
Reference:	section 69(2)
Subject:	Director-General may employ etc suitable entity
Power and/or function:	May appoint, engage, employ or authorise a suitable entity for a stated purpose (whether for payment or as a volunteer) for children under this Act
Reference:	section 71

Subject:	Suitable entities register
Power and/or function:	Must establish a register of suitable entities for this Act. The register must include details for each suitable entity as outlined in this section
Reference:	section 72(1-2)
<i>Chapter 3 – Family group conferences</i>	
Subject:	What is a family group conference agreement?
Power and/or function:	An agreement between the Director-General and a relevant conference participant and for an agreement about a young person who is 15 years or older – the young person.
Reference:	section 76(1)(b & d)
Subject:	What is a family group conference agreement?
Power and/or function:	May be required to arrange a family group conference to review the family group conference agreement not later than a stated day
Reference:	section 76(1)(e)
Subject:	Family group conferences- criteria
Power and/or function:	May arrange for a family group conference about a child or young person if satisfied with conditions outlined under this section
Reference:	section 80
Subject:	Family group conferences- criteria for review conference
Power and/or function:	If a family group conference agreement is in force must arrange for a family group conference to review the family group conference agreement if required to do so in the agreement or asked to do so by the child or young person or a participant in the family group conference
Reference:	section 81(2)
Subject:	Family group conferences - facilitator to organise
Power and/or function:	If the Director-General arranges a family group conference she must assign a family group conference facilitator to the conference
Reference:	section 82(1)

Subject:	Family group conferences- parties reach agreement
Power and/or function:	Must be satisfied that a proposed family group conference agreement reached at a conference arranged under section 80(2) is in the best interests of the child or young person
Reference:	section 85(3)(b)
Subject:	Family group conference agreements-implementation
Power and/or function:	Must implement the arrangements in a family group conference agreement (after receiving it) in a way that complies with the family group conference standards
Reference:	section 90
<i>Chapter 4 – Criminal matters - General</i>	
Subject:	<i>Meaning of youth worker</i>
Power and/or function:	Youth worker is an authorised person to whom the Director-General has delegated functions of a youth worker under the criminal matters chapters
Reference:	section 96
Subject:	<i>Treating doctors - health service appointments</i>
Power and/or function:	Receive written directions from the treating doctor to protect the health of young detainees (including preventing the spread of disease at detention places)
Reference:	section 97(4)
Subject:	<i>Treating doctors - health service appointments</i>
Power and/or function:	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
Reference:	section 97(5)
Subject:	<i>Health professionals - non treating functions</i>
Power and/or function:	May authorise orally or in writing a health professional to exercise non treating functions under the criminal matters chapters (chapters 4 to 9)
Reference:	section 98(1)

<i>Chapter 5 – Criminal matters - Transfers</i>	
Subject:	Transfers within ACT - directions to escort officers
Power and/or function:	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.
Reference:	section 101(1)
Subject:	Transfers within ACT - orders to bring young detainees before court etc
Power and/or function:	Must arrange for a young detainee or child or young person in the Director-General'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
Reference:	section 102(2)
Subject:	Arrangements for escorting people
Power and/or function:	May make an arrangement for escorting a child, a young person or a young detainee with the Director-General responsible for the Corrections Management Act 2007 and the Chief Police Officer
Reference:	section 103
Subject:	Transfers within ACT - escorting young detainees etc - executing warrants of commitment or remand etc
Power and/or function:	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
Reference:	section 107(1)
Subject:	Transfers within ACT - transfers to health facilities
Power and/or function:	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
Reference:	section 109(1) and (2)
Subject:	Transfers within ACT - transfers to health facilities
Power and/or function:	May direct an escort officer to escort the young detainee to or from the health facility, or while at the facility
Reference:	section 109(3)

Subject:	Transfers within ACT - transfers to health facilities
Power and/or function:	The young detainee may be discharged only if the Director-General 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 Director-General must have regard to the health of the young detainee when considering a direction under subsection (4)
Reference:	section 109(4) and (5)
Subject:	Transfers within ACT - transfers to health facilities
Power and/or function:	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
Reference:	section 109(6)
Subject:	Transfers within ACT - transfers of young detainees who become adults - transfers to correctional centres (under 21 years old)
Power and/or function:	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 and considers the provisions outlined in this section. If a direction is given, the Director-General may direct an escort officer to escort the young detainee to the correctional centre.
Reference:	section 111
Subject:	Transfers to correctional centres – 21 year olds
Power and/or function:	Must give the directions necessary to ensure that a young detainee who turns 21 years old is transferred to a correctional centre.
Reference:	section 112(2)
Subject:	Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees
Power and/or function:	If the young detainee is under 18 years the Director-General must take reasonable steps to tell someone who has daily care or long term care responsibility for the young detainee about the transfer
Reference:	section 113(2)

Subject:	Transfers within ACT - transfer - notifying people responsible for or nominated by young detainees
Power and/or function:	If the Director-General shares daily care responsibility or long term care responsibility for the young detainee, the Director-General must take reasonable steps to tell the other person. If the young detainee is 18 years or older, the Director-General must take reasonable steps to tell the young detainee's nominated person about the transfer
Reference:	section 113(3) and (4)
Subject:	Interstate transfers - transfer arrangements
Power and/or function:	If a transfer agreement is in force the Director-General 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
Reference:	section 116(1) to (3)
Subject:	Interstate transfers - power to arrange for transfers
Power and/or function:	May make a transfer arrangement for the transfer of a young offender from the ACT to a State according to section 117
Reference:	section 117
Subject:	Interstate transfers - transfer arrangements - facilities must be adequate
Power and/or function:	May only make a transfer arrangement from a State to the ACT if satisfied that there are adequate facilities in the ACT
Reference:	section 118
Subject:	Interstate transfers - custody of person on transfer order
Power and/or function:	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 and must approve a transfer escort as per s120(2)(d)
Reference:	section 120

Subject:	Custody pending interstate transfer
Power and/or function:	If the Director-General 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.
Reference:	section 121
Subject:	Interstate transfers - transit through ACT - Director-General may receive young offenders
Power and/or function:	May receive at a detention place young offenders being transferred through the ACT under a transfer agreement
Reference:	section 127
Subject:	Interstate transfers - transit through ACT - lawful custody for transit through the ACT
Power and/or function:	May receive and detain a young offender brought into the ACT by a transfer escort (authorised by a transfer agreement) for a time as stated by the transfer escort and at the end of the time deliver the young offender into the custody of the transfer escort
Reference:	section 128(3)
Subject:	Revocation of transfer order—offence during transfer
Power and/or function:	The Children’s Court may, on application by the Director-General, revoke a transfer order in relation to a young offender
Reference:	section 133(1)
Subject:	Interstate transfers - revocation of transfer order by Director-General
Power and/or function:	May revoke a transfer order before the young offender is delivered into custody in the receiving State. If the transfer order is revoked the Director-General may make a further transfer arrangement with the receiving State for the return of the young offender to the ACT
Reference:	<i>section 134</i>
Subject:	Interstate transfers - revocation of transfer orders
Power and/or function:	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
Reference:	section 135

<b>Chapter 6 – Criminal matters – Detention places</b>	
Subject:	Detention – chapter 6, definition of accredited person
Power and/or function:	The Director-General is an accredited person for a young detainee if the Director-General has daily or long term care responsibility for the young detainee.
Reference:	section 137(a)
Subject:	Definitions—chapter 6, definition of accredited person
Power and/or function:	Approve a representative of an entity providing a service or program to the young detainee at a detention place as an accredited person
Reference:	section 137(b)
Subject:	Detention places - minimum living conditions
Power and/or function:	Must ensure that conditions at detention places meet at least the minimum standards as set out in section 141(1)(a-k)
Reference:	section 141(1)
Subject:	Youth detention policies and operating procedures
Power and/or function:	Decide on places other than a detention place where each youth detention policy and operating procedure may be made available for inspection
Reference:	<i>section 143(3)(b)</i>
Subject:	Copies of Act, policies etc to be available for inspection at detention place
Power and/or function:	Must ensure copies of the <i>Children and Young People Act 2008</i> and youth detention policies and operating procedures are available for inspection by young detainees at each detention place
Reference:	section 144
Subject:	Director-General directions
Power and/or function:	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
Reference:	section 146

Subject:	Prohibited areas
Power and/or function:	Must take all reasonable steps to ensure that the prohibited area is brought to the attention of all young detainees
Reference	section 147(2)
Subject:	Emergency powers
Power and/or function:	While an emergency is declared in relation to a detention place the Director-General 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
Reference:	section 150
Subject:	Arrangements with police
Power and/or function:	May make arrangements with the chief police officer for police assistance in relation to the criminal matters chapters (chapters 4 to 9)
Reference:	section 151
Subject:	Assistance from other Director-Generals
Power and/or function:	May ask another Director-General for assistance in relation to the exercise of functions under the criminal matters chapters (4 to 9)
Reference:	section 152(1)
Subject:	Assistance from other Director-Generals
Power and/or function:	A corrections officer providing assistance under s152 may exercise any function exercisable by a youth worker under the criminal matters chapters in accordance with any direction by the Director-General
Reference:	section 152(3)
Subject:	Inspection at detention places - relationship with other inspection laws
Power and/or function:	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.
Reference:	section 154(3)

Subject:	Inspection at detention places - relationship with other inspection laws
Power and/or function:	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
Reference:	section 154(4)
Subject:	Admission to detention places - authority for detention
Power and/or function:	Before a young detainee is admitted to a detention place, the Director-General must be given the warrant or other authority for the detention
Reference:	section 156(2)
Subject:	Admission to detention places - detention - notifying people responsible for or nominated by young detainees
Power and/or function:	If a young detainee is under 18 the Director-General must tell someone who has daily care or long term care responsibility for the young detainee about matters mentioned in this section. If the Director-General and someone else share daily care or long term care responsibility for the young detainee, the Director-General must take reasonable steps to tell the other person about matters mentioned in this section. If a young detainee is 18 years or over the Director-General must tell the young detainee's nominated person about the matters mentioned in this section
Reference:	section 157
Subject:	Admission to detention places - identification of young detainees
Power and/or function:	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
Reference:	section 158(1)

Subject:	Admission to detention places - information - entitlements and obligations
Power and/or function:	Must take reasonable steps to explain to the young detainee all matters outlined at this section 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 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 Director-General considers in the best interests of the young detainee.
Reference:	section 159(1), (3), (5)
Subject:	Admission to detention places - initial assessment
Power and/or function:	Must ensure that each young detainee admitted to a detention place is assessed as outlined in this section. Must ensure that any ongoing needs and risks are addressed in the young detainee's case management plan (if any)
Reference:	section 160
Subject:	Health assessment
Power and/or function:	A treating doctor who makes an assessment or reviews an assessment made under section 160 must give a report of the assessment to the Director-General
Reference:	section 161(4)
Subject:	Admission to detention places - alcohol and drug tests on admission
Power and/or function:	May direct the young detainee orally or in writing to provide a test sample
Reference:	section 162(1)
Subject:	Admission to detention places - security classification
Power and/or function:	Must arrange for a young detainee to be given a security classification under section 190 as soon as practicable after young detainee's admission
Reference:	section 163

Subject:	Admission to detention places - case management plan
Power and/or function:	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
Reference:	section 164
Subject:	Admission to detention places - entries in register of young detainees
Power and/or function:	Must ensure on admission that details of each young detainee are entered in the register of young detainees
Reference:	section 165
Subject:	Requirements and considerations about placement and separation of young detainees
Power and/or function:	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 Director-General 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 consider any security classification given to the young detainee under s163.
Reference:	section 166
Subject:	Living conditions at detention places - food and drink
Power and/or function:	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.
Reference:	section 167
Subject:	Living conditions at detention places – clothing
Power and/or function:	Must ensure that clothing provided for young detainees is in accordance with section 168
Reference:	section 168

Subject:	Living conditions at detention places - personal hygiene
Power and/or function:	Must ensure the entitlements for each young detainee regarding facilities and personal hygiene as outlined in this section are provided
Reference:	section 169
Subject:	Living conditions at detention places - sleeping areas
Power and/or function:	Must ensure that entitlements for each young detainee regarding sleeping places as outlined in this section are provided
Reference:	section 170
Subject:	Treatment of convicted and non-convicted detainees
Power and/or function:	The Director-General must make a policy or operating procedure providing for different treatment of convicted young detainees and non-convicted detainees
Reference:	section 171(1)
Subject:	Living conditions - access to open air and exercise
Power and/or function:	Must ensure that young detainees have access to open air and exercise in accordance with conditions as outlined in this section
Reference:	section 172
Subject:	Living conditions - communication with family and others
Power and/or function:	Must ensure that adequate opportunities are provided for young detainees to be able to remain in contact with family and others according to this section
Reference:	section 173
Subject:	Living conditions - telephone calls
Power and/or function:	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.
Reference:	section 174(1) and 174(4)
Subject:	Living conditions - telephone calls
Power and/or function:	May give directions denying or limiting the use of a telephone by a young detainee in accordance with criteria as outlined in this section
Reference:	section 174(6)

Subject:	Living conditions – mail
Power and/or function:	Must ensure, as far as practicable, that young detainees can send and receive as much mail as they wish.
Reference:	section 175(1)
Subject:	Living conditions -mail
Power and/or function:	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 Director-General. 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)
Reference:	section 175(2) and 175(4)
Subject:	Living conditions - news and education
Power and/or function:	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)
Reference:	section 176(1)
Subject:	Living conditions - news and education
Power and/or function:	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)
Reference:	section 176(2)
Subject:	Living conditions - visits by family members
Power and/or function:	Must ensure that each detention place has suitable facilities for young detainees to receive visits from family members and significant people.
Reference:	section 177(1)
Subject:	Living conditions - visits by family members
Power and/or function:	May give directions denying or limiting a visit on grounds outlined in section 177(4)(a) and (b).
Reference:	section 177(4)

Subject:	Living conditions – contact with accredited people
Power and/or function:	Must ensure that a young detainee has adequate opportunities for contact with an accredited person - by telephone, mail or visit.
Reference:	section 178(1)
Subject:	Living conditions - contact with accredited people
Power and/or function:	May give directions denying or limiting a young detainee's contact with an accredited person on the grounds outlined in this section
Reference:	section 178 (3)
Subject:	Visits - protected communication
Power and/or function:	Must not listen to, or record, a communication at a visit between a young detainee and any of the people listed in this section
Reference:	section 179
Subject:	Living conditions - health care
Power and/or function:	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)
Reference:	section 180
Subject:	Director-General's consent to medical treatment for young detainees
Power and/or function:	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
Reference:	section 181
Subject:	Living conditions - injury etc notifying people responsible
Power and/or function:	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.
Reference:	section 182

Subject:	Living conditions - religious, spiritual and cultural needs
Power and/or function:	Must ensure provision is made for the religious, spiritual and cultural needs of young detainees and reasonable access to people and services as outlined in this section
Reference:	section 183(1) and (2)
Subject:	Living conditions - religious, spiritual and cultural needs
Power and/or function:	May give directions denying or limiting a young detainee's access to religious services and practices according to this section
Reference:	Section 183 (3)
Subject:	Compliance with Director-General's directions
Power and/or function:	A young detainee must comply with any direction given under the criminal matters chapters to the young detainee by the Director-General.
Reference:	section 184
Subject:	Management and security - register of young detainees
Power and/or function:	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)
Reference:	section 185
Subject:	Management and security - health reports
Power and/or function:	May ask a relevant Director-General for a written report about a young detainee's health. Must ensure that a treating doctor assesses the health report from a relevant Director-General, 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 Director-General's health report and the health schedule is available only to people authorised by the Director-General.
Reference:	section 186
Subject:	Management and security - use of medicines
Power and/or function:	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, the Director-General must ensure that the details of the approval, and the reasons for it, are recorded in the young detainee register
Reference:	section 187

Subject:	Case management plans - scope etc
Power and/or function:	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.
Reference:	section 188
Subject:	Transgender and intersex young detainees - sexual identity
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 non-treating health professional about the young detainee's sexual identity before making a decision under the provisions of this section. May obtain a report by a non-treating doctor or non-treating health professional about the young detainee's sexual identity on other grounds outlined in this section. Must give the young detainee written notice of a decision made under this section and ensure that the young detainee's chosen sex is entered in the register of young detainees
Reference:	section 189
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 this section
Reference:	section 190
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. Must ensure that the register of young detainees includes details of the property each young detainee has at a detention place
Reference:	section 191
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)

Subject:	Mandatory reporting of threats to security etc at detention place
Power and/or function:	A person must report to the Director-General in the circumstances described at section 193(1)
Reference:	section 193(2)
Subject:	Trust accounts of young detainees
Power and/or function:	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
Reference:	section 194
Subject:	Management and security - register of searches and uses of force
Power and/or function:	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 Director-General considers relevant
Reference:	section 195
Subject:	Monitoring - general considerations
Power and/or function:	Must ensure that considerations outlined in section 197(a) to (g) are balanced appropriately when exercising a function under this division
Reference:	section 197
Subject:	Notice of monitoring
Power and/or function:	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
Reference:	section 198
Subject:	Monitoring at detention places
Power and/or function:	May arrange for any part of a detention place to be monitored for any activity
Reference:	section 199

Subject:	Monitoring telephone calls etc
Power and/or function:	May monitor or record an electronic communication with a young detainee other than a protected electronic communication and must tell the parties to the communication that it might be monitored and recorded. Must give information to the chief police officer if the communication reveals information about the commission of an offence.
Reference:	section 200
Subject:	Monitoring ordinary mail
Power and/or function:	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)
Reference:	section 201(1) and (2)
Subject:	Monitoring protected mail
Power and/or function:	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
Reference:	section 202
Subject:	Mail searches – consequences
Power and/or function:	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
Reference:	section 203(2)
Subject:	Segregation - notice of segregation directions - safe room and other
Power and/or function:	Must prepare a notice of a segregation direction. The notice must be given to the people outlined in section 207(2)(a to d)
Reference:	section 207
Subject:	Segregation - safe room
Power and/or function:	May direct that a young detainee be segregated from other young detainees by separate confinement in a safe room on the grounds outlined in this section. Must revoke the direction if the grounds for making the direction no longer exist
Reference:	section 209

Subject:	Safe room segregation directions – privacy
Power and/or function:	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. This does not apply if the Director-General believes on reasonable grounds that the grounds outlined in section 210(2)(a) and (b) exist
Reference:	section 210(2)
Subject:	Review of safe room segregation directions
Power and/or function:	Must review a safe room segregation direction in accordance with this section and after reviewing, the Director-General must carry out one of the actions listed in this section. May make more than one further safe room segregation direction after a review.
Reference:	section 211
Subject:	Other segregation - safety and security
Power and/or function:	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
Reference:	section 212
Subject:	Other segregation - protective custody
Power and/or function:	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
Reference:	section 213
Subject:	Other segregation – health
Power and/or function:	May direct that a young detainee be segregated from other young detainees on health grounds outlined in this section. Must revoke the direction if the protection is no longer necessary or prudent
Reference:	section 214

Subject:	Internal review of segregation directions
Power and/or function:	May review a segregation direction at any time. Must review the direction under the circumstances outlined at this section. 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
Reference:	section 217
Subject:	Notice of decision about segregation direction
Power and/or function:	External reviewer must give prompt written notice of the external reviewer's decision to the Director-General
Reference:	section 221(2)(d)
Subject:	Register of segregation directions
Power and/or function:	Must keep a register containing details in relation to each segregation direction as outlined in this section. The register must be available for inspection by any of the people identified in this section.
Reference:	section 222
Subject:	Use of force - managing use of force
Power and/or function:	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. and must ensure that youth detention officers do not use force without first considering conditions at section 223(2)(a) and (b).
Reference:	section 223(1) and (2)
Subject:	Use of force - managing use of force
Power and/or function:	Must give notice to a treating doctor or a nurse if force is used in relation to a young detainee, unless the force is a planned use of restraint as outlined in this section. Must make arrangements to ensure that a young detainee injured by the use of force under division 6.6.4 is examined by a treating doctor as soon as practicable and that appropriate health care is available to the young detainee. Must ensure the give a young detainee the opportunity to be examined by a treating doctor after any use of force in relation to the young detainee.
Reference:	section 223(4),(5) & (6)

Subject:	Managing use of force
Power and/or function:	The Director-General must make a youth detention policy or operating procedure in relation to the use of force, including the provisions of this section.
Reference:	section 223(7)
Subject:	Authority to use force
Power and/or function:	A youth worker may use force under this division if the officer believes on reasonable grounds that the purpose for which the use of force may be used cannot be achieved in another way and force is necessary and reasonable to circumstances as outlined in this section.
Reference:	section 224(b)(i)
Subject:	Use of force - use of restraint
Power and/or function:	Must ensure that the use of force involving a restraint is proportionate to the circumstances as outlined at 226(2)(a) to (c).
Reference:	section 226(2)
Subject:	Use of force - use of restraint
Power and/or function:	Must ensure that restraints are only used by youth workers trained to use them and in accordance with a youth detention policy or operating procedure that applies to their use.
Reference:	section 226(3)
Subject:	Use of force - monthly reports
Power and/or function:	Must ensure as soon as practicable after the end of each month a youth worker gives the Director-General a report summarising the incidents (if any) during the month that involved the use of force in relation to a young detainee
Reference:	section 227
Subject:	Access to detention places - visiting conditions
Power and/or function:	Must bring the visiting conditions to the attention of visitors at a detention place as outlined in this section
Reference:	section 229

Subject:	Taking prohibited things etc into detention place
Power and/or function:	Exception to offence to take a prohibited thing etc into a detention place if the action is approved by the Director-General
Reference:	section 230(2)
Subject:	Access to detention places - directions to visitors
Power and/or function:	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
Reference:	section 231(1)
Subject:	Access to detention places - directions to leave detention place etc
Power and/or function:	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)
Reference:	section 232
Subject:	Access to detention places - removing people from detention place
Power and/or function:	May direct a youth worker to enforce a direction under section 232 if the person given the direction contravenes the direction
Reference:	section 233(1)
Subject:	Maintenance of family relationships - Director-General may allow young child to stay with young detainee
Power and/or function:	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
Reference:	section 234(2) and (3)
Subject:	Director-General may allow young child to stay with young detainee
Power and/or function:	The Director-General may make a youth detention policy or operating procedure about the arrangements to apply in relation to a young detainee having contact with, or caring for, a child in a detention place
Reference:	section 234(4)

Subject:	Alcohol and drug testing of young detainees
Power and/or function:	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
Reference:	section 237
Subject:	Effect of positive test sample by young detainee
Power and/or function:	May have regard to the positive test sample in making any decision in relation to the management of the young detainee
Reference:	section 238(2)
Subject:	Young detainees - local leave directions
Power and/or function:	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)
Reference:	section 240
Subject:	Young detainees - local leave permit
Power and/or function:	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
Reference:	section 241
Subject:	Interstate leave permits
Power and/or function:	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
Reference:	section 242
Subject:	Lawful temporary absence from detention place
Power and/or function:	Young detainee who is absent from a detention place under a direction by the Director-General, including a direction under section 109 or 111, is taken to be in the Director-General's custody and escort officer's custody, if under escort
Reference:	section 245(1)(a)

<b>Chapter 7 – Criminal matters – Search and seizure at detention places</b>	
Subject:	Searches - use of search dog
Power and/or function:	May direct a youth worker to use a search dog to assist in conducting a search if the assistance of the dog would minimise the intrusiveness of the search
Reference:	section 249(1) and (2)
Subject:	Searches – use of search dog
Power and/or function:	An operating procedure may make provision in relation to the use of search dogs under this chapter.
Reference:	section 249(4)
Subject:	Notice of strip and body searches
Power and/or function:	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 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.
Reference:	section 251
Subject:	Scanning, frisk and ordinary searches – directions
Power and/or function:	May direct a youth worker to conduct a scanning, frisk or ordinary search of a young detainee
Reference:	section 252(1)
Subject:	Requirements for scanning, frisk and ordinary searches
Power and/or function:	Requirement for a frisk search of a young detainee to be conducted by a youth worker of the same sex as the young detainee does not apply if the Director-General 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.
Reference:	section 253(4)

Subject:	Strip searches
Power and/or function:	May direct a youth worker 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
Reference:	section 254
Subject:	Strip searches of young detainees under 18 years old – no-one with parental responsibility available
Power and/or function:	Must ensure that the strip search is conducted in the presence of a support person as outlined at section 255(2)(a) and (b)
Reference:	section 255(2)
Subject:	Strip searches of young detainees under 18 years old – no-one with parental responsibility available
Power and/or function:	A strip search on admission may continue in the absence of a support person if the Director-General directs the support person to leave under section 256 (2).
Reference:	section 255(3)(b)
Subject:	Strip searches on admission - directing person to leave
Power and/or function:	May direct the person to leave the search area if that person is preventing or hindering the conduct of the search
Reference:	section 256(2)
Subject:	Strip searches - removing people from search area
Power and/or function:	May direct a youth worker to enforce a direction to leave if the person given the direction contravenes the direction
Reference:	section 257(1)
Subject:	Strip searches directed by Director-General
Power and/or function:	May direct a youth worker to strip search a young detainee only on the grounds outlined in section 258(1)(a) to (b)
Reference:	section 258(1)

Subject:	Youth workers at strip searches
Power and/or function:	The requirement in subsection (1) (b) that a youth worker be the same sex as the young detainee does not apply if the Director-General 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
Reference:	section 260(4)(a)
Subject:	Body searches directed by Director-General
Power and/or function:	May direct a non-treating doctor to conduct a body search of a young detainee on the grounds outlined in this section
Reference:	section 264
Subject:	Obligations of Director-General before body searches
Power and/or function:	If a body search is proposed to be directed must ensure all conditions outlined in this section are met
Reference:	section 265
Subject:	People present at body searches
Power and/or function:	May direct 1 or more youth workers to be present during the search and each must be the same sex as the young detainee.
Reference:	section 266(3)
Subject:	People present at body searches
Power and/or function:	Requirement in section 266(3) does not apply if Director-General 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.
Reference:	section 266(5),(6),(7),(8)
Subject:	Body searches of young detainees under 18 - no-one with parental responsibility available
Power and/or function:	Must ensure that the body search is conducted in the presence of a support person as outlined in this section
Reference:	section 267(2)

Subject:	Body searches of young detainees under 18 - no-one with parental responsibility available
Power and/or function:	The body search may continue in the absence of a support person if the young detainee does not agree to a support person being present or Director-General directs the support person to leave under section 268(2)
Reference:	section 267(3)(b)
Subject:	Body searches - directing people to leave
Power and/or function:	May direct a person to leave a body search if that person is preventing or hindering the conduct of the search
Reference:	section 268(2)
Subject:	Body searches - removing people from search area
Power and/or function:	May direct a youth worker to enforce a direction if the person given the direction contravenes the direction
Reference:	section 269(1)
Subject:	Help for body searches
Power and/or function:	If a non-treating doctor conducting a body search asks the Director-General for assistance, may direct a youth worker or authorise someone else to be present at the search to assist in the conduct of the search. The assistant must be the same sex unless the Director-General believes that the circumstances in (4)(a) and (b) arising
Reference:	section 270
Subject:	Body searches - rules about young detainees' clothing
Power and/or function:	Must ensure that the young detainee is left with, or given, appropriate clothing to wear if their clothing is seized during a body search
Reference:	section 271(3)
Subject:	Searches of people other than detainees
Power and/or function:	May direct a youth worker to conduct a scanning, frisk or ordinary search of a person at a detention place who is not a young detainee
Reference:	section 274(1)

Subject:	Searches - premises and property
Power and/or function:	May, at any time, direct a youth worker to search premises and property at a detention place as outlined in section 275(1)(a) to (c)
Reference:	section 275(1)
Subject:	Searches of young detainee cells - privileged material
Power and/or function:	May make arrangements for the secure storage of privileged material for young detainees
Reference:	section 276(3)
Subject:	Seizing mail etc
Power and/or function:	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
Reference:	section 280
Subject:	Seizing property – general
Power and/or function:	May seize property as outlined in this section. May seize a document only if the Director-General believes that the document is not privileged
Reference:	section 281(1)(a)
Subject:	Seizing property – general
Power and/or function:	May give written approval for a person to possess a prohibited thing
Reference:	section 281(1)(a)
Subject:	Notice of seizure
Power and/or function:	Must prepare and give written notice of a seizure
Reference:	section 282(1) and (2)
Subject:	Forfeiture of things seized
Power and/or function:	Decides if a thing seized is forfeited to the Territory. May deal with a thing forfeited to the Territory or disposed as considered appropriate
Reference:	section 283

Subject:	Return of things seized but not forfeited
Power and/or function:	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
Reference:	section 284
<b>Chapter 8 – Criminal matters – Discipline at detention places</b>	
Subject:	Definitions –chapter 8 - administrator
Power and/or function:	An administrator is an authorised person to whom the Director-General has delegated functions of an administrator under this chapter
Reference:	section 286
Subject:	Definitions –chapter 8 - support person for a young detainee
Power and/or function:	A person can be a support person for a young detainee if the young detainee chooses the person to assist the young detainee or represent the young detainee’s interests and the Director-General considers the person is capable of assisting the young detainee or representing the young detainee’s interests; and it is in the young detainee’s best interests for the person to be the young detainee’s support person.
Reference:	section 286
Subject:	Meaning of behaviour breach
Power and/or function:	A behaviour breach is contravening a direction by the Director-General
Reference:	section 287(1)(a)
Subject:	Meaning of behaviour breach
Power and/or function:	A behaviour breach is being in a prohibited area without the Director-General’s approval
Reference:	section 287(1)(b)
Subject:	Meaning of behaviour breach
Power and/or function:	A behaviour breach is making, possessing, concealing, knowingly consuming or dealing with a prohibited thing, without the Director-General’s approval
Reference:	section 287(1)(f)
Subject:	Meaning of behaviour breach
Power and/or function:	A behaviour breach is possessing or dealing in things without the Director-General’s approval
Reference:	section 287(1)(o)

Subject:	Meaning of unauthorised medicine for section 287
Power and/or function:	A medicine is an unauthorised medicine for a young detainee if the Director-General has not approved the use of the medicine by the young detainee under section 187
Reference:	section 287(2)
Subject:	Meaning of investigator
Power and/or function:	An investigator for the part means an authorised person to whom the Director-General has delegated functions of an investigator under this part
Reference:	section 291
Subject:	Appointment of investigators
Power and/or function:	May appoint a person to be an investigator for this part
Reference:	section 292
Subject:	Reporting and investigation procedures
Power and/or function:	The Director-General must make reporting and investigation procedures, consistent with this Act, about the making, recording and investigation of allegation reports in consideration of matters referenced in this section
Reference:	section 294
Subject:	Behaviour management framework
Power and/or function:	The Director-General must establish a behaviour management framework for dealing with minor behaviour breaches and the framework must provide for issues as outlined at this section
Reference:	section 297(1) and (3)
Subject:	Disciplinary action by administrator - right to contact support person
Power and/or function:	Must ensure that an accused detainee has access to facilities to contact a support person as soon as practicable
Reference:	section 300(3)
Subject:	Meaning of review officer for div 8.4.2
Power and/or function:	Review officer means an authorised person to whom the Director-General has delegated functions of a review officer under this division
Reference:	section 303

Subject:	Right to contact support person—internal review
Power and/or function:	Must ensure that the accused detainee has access to facilities to contact and consult with a support person as soon as practicable
Reference:	section 304(3)
Subject:	Right to contact support person—external review
Power and/or function:	Must ensure that the accused detainee has access to facilities to contact a support person as soon as practicable and to consult with a support person
Reference:	section 310(3)
Subject:	External reviewer’s powers after external review
Power and/or function:	The external reviewer must give prompt written notice of the external reviewer’s decision under this section to the Director-General. 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  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
Reference:	section 314(2), (4), (5)
<b>Chapter 9 – Criminal matters – Conduct of disciplinary reviews</b>	
Subject:	Notice of disciplinary review
Power and/or function:	Must be given written notice by the review officer of a review in relation to an accused detainee
Reference:	section 324(1)
Subject:	Notice of disciplinary review
Power and/or function:	Must offer to provide assistance to the accused detainee and tell the accused detainee about entitlements
Reference:	section 324(4)
Subject:	Review officer may require official reports
Power and/or function:	Must comply with a written notice from the review officer to give the review officer a written report about the accused detainee
Reference:	section 326(1)(a)

Subject:	Notice of disciplinary hearing
Power and/or function:	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 Director-General
Reference:	section 330(1)
<b>Chapter 10 – Care and Protection – General</b>	
Subject:	Age – proof of age to be sought before action is taken
Power and/or function:	Authority to inquire about the age of a person being dealt with under the Care and Protection chapters before dealing with the person as a child or young person
Reference:	section 337
Subject:	Age – application of Care and Protection chapters if no proof of age
Power and/or function:	If unable to find out a person’s age and the person appears to the Children’s Court, the Director-General or a police officer to be a child or young person then the person may be dealt with under the Care and Protection chapters as if the person were a child or young person
Reference:	section 338
Subject:	Age – Care and Protection chapters stop applying if person discovered to be an adult
Power and/or function:	Applies if the Court, the Director-General or a police officer has dealt with a person as a child or young person and finds out that the person is not a child or young person
Reference:	section 339
<b>Chapter 11 – Care and Protection – reporting, investigating and appraising abuse and neglect</b>	
Subject:	Director-General to act on child concern report
Power and/or function:	On receiving a child concern report, must consider the report; carry out an initial assessment of the matters raised in the report to decide if the child or young person may be in need of Care and Protection; and take the action considered appropriate in relation to the initial assessment.
Reference:	section 360 (2)(a to c)

Subject:	Care and Protection considerations
Power and/or function:	May take reasonable steps to obtain further information about the matters raised in the report to carry out an initial assessment e.g. a home visit
Reference:	section 360(3)
Subject:	Director-General to act on child concern report
Power and/or function:	May also carry out the actions outlined in section 360(4)(a to h)
Reference:	section 360(4)
Subject:	Director-General to act on child concern report
Power and/or function:	Must decide that the child concern report is a child protection report if on reasonable grounds there is a suspicion that the child or young person may be in need of Care and Protection
Reference:	section 360(5)
Subject:	Director-General action on child protection report
Power and/or function:	Must take the action considered appropriate in relation to the child protection report and may carry out any of the actions outlined in this section
Reference:	section 361
Subject:	Prenatal reporting - anticipated abuse and neglect
Power and/or function:	May with the consent of the pregnant woman take the action considered appropriate in relation to the prenatal report. Also, may carry out any of the actions outlined in this section with consent of the pregnant woman
Reference:	section 362(3-4)
Subject:	Prenatal reporting - anticipated abuse and neglect
Power and/or function:	May also without the consent of the pregnant woman give advice to the person who made the report about appropriate assistance for the pregnant woman that the person may consider
Reference:	section 362(5)

Subject:	Prenatal reporting - anticipated abuse and neglect
Power and/or function:	May also ask the pregnant woman to consent to the Director-General giving prenatal information to a prenatal information sharing entity and/or asking for prenatal information from a prenatal information sharing entity
Reference:	section 362(6)
Subject:	Prenatal reporting - anticipated abuse and neglect
Power and/or function:	If the pregnant woman does not consent may give and/or receive prenatal information only on the grounds that the child may be in need of Care and Protection after the child is born
Reference:	<i>section 362(7)</i>
Subject:	Prenatal reporting - anticipated abuse and neglect
Power and/or function:	Must ensure that any action taken under section 362 is appropriate and consistent with the pregnant woman's human rights
Reference:	section 362(9)
Subject:	What is a Care and Protection appraisal?
Power and/or function:	The Director-General may carry out one or more of the following activities; a visual examination; an interview; giving information to someone; asking someone to give information to the Director-General; making enquiries about the child; arranging a Care and Protection assessment; asking the child to attend a stated place at a stated time; asking the child to comply with an arrangement made for the appraisal
Reference:	section 366(b)
Subject:	Care and Protection Assessments
Power and/or function:	Undertaking a Care and Protection assessment including a social assessment, a medical assessment, a dental assessment, a psychological examination, a paediatric or developmental assessment, a psychiatric assessment or an assessment of the person's parenting capacity.
Reference:	section 367(a)
Subject:	Care and Protection appraisal - only with agreement or appraisal order
Power and/or function:	Power to carry out a Care and Protection appraisal on reasonable grounds that the child or young person may be in need of Care and Protection subject to the conditions set out in 368(3)-(6)
Reference:	section 368(2)

Subject:	Care and Protection appraisal - only with agreement or appraisal order
Power and/or function:	Must keep a written record of an agreement to an appraisal obtained under section 368(3)(b) that is given orally
Reference:	section 368(6)
Subject:	Care and Protection appraisal - acknowledgement of agreement
Power and/or function:	When seeking an agreement to an appraisal under section 368(3)(b) the person must be told the purpose of the appraisal; if included in the appraisal the kind of Care and Protection assessment; and that the agreement may be refused
Reference:	<i>section 369</i>
Subject:	Care and Protection appraisal - agreement need not be sought if risk etc
Power and/or function:	Need not seek the agreement of a parent or other person who has daily care responsibility for the child or young person if the conditions set out in section 370(1) apply
Reference:	section 370(2)
Subject:	Visual examination etc without agreement
Power and/or function:	If section 370 applies, may visually examine or interview the child or young person without the agreement of a parent or other person who has daily care responsibility. If the child or young person is a student at a school, a patient at a health facility or being cared for by a childcare service may enter the school, health facility or childcare service to visually examine or interview the child
Reference:	section 371(1) and (2)
Subject:	Visual examination etc without agreement
Power and/or function:	After a visual examination or interview must take reasonable steps to tell at least 1 parent or other person who has daily care responsibility that the examination or interview has been carried out. Need not tell a person if satisfied that doing so would be likely to put the child at significant risk of abuse or neglect and jeopardise a criminal investigation
Reference:	section 371(3) & (4)

Subject:	What is a temporary parental responsibility provision?
Power and/or function:	May provide for the Director-General to enter and search any place the Director-General believes on reasonable grounds the child or young person is, to find the child or young person
Reference:	section 373(b)
Subject:	Appraisal orders - application by Director-General
Power and/or function:	May apply for an appraisal order for a child or young person under the conditions outlined in section 376 (a to b)
Reference:	section 376
Subject:	Appraisal orders – urgent applications
Power and/or function:	Copy of urgent appraisal order application must be given to the child or young person; each parent of the child; each other person who has daily care or long term responsibility of the child; the public advocate
Reference:	section: 377(2)
Subject:	Appraisal orders – who must be given application
Power and/or function:	Copy of an appraisal order application must be given to the child or young person; each parent of the child or young person; each other person who has daily care responsibility, or long term responsibility of the child or young person; the public advocate
Reference:	section: 379(1)
Subject:	Appraisal orders - extension application
Power and/or function:	May apply to the Children’s Court for an extension of an appraisal order. An application for extension must state the details set out in section 385(2)(a and b)
Reference:	section 385(1)
Subject:	Appraisal orders – who must be given extension application?
Power and/or function:	Copy of application for extension of appraisal order must be given to the child or young person; each parent of the child; each other person who has daily care or long term responsibility of the child; the public advocate
Reference:	section: 386

<b>Chapter 12 – Care and Protection – Voluntary agreements to transfer or share parental responsibility</b>	
Subject:	Registration of family group conference agreements that transfer or share parental responsibility - application
Power and/or function:	May apply to the Children’s Court to register the family group conference agreement stated in section 390(1) and must give the public advocate a copy of the application
Reference:	section 390(2)
Subject:	Voluntary agreement to share parental responsibility with Director-General - what is a voluntary care agreement?
Power and/or function:	Means a written agreement between the Director-General and a parent of the child or young person; or someone else who has daily or long term care responsibility for the child. Means a written agreement for either or both daily or long term care responsibility for the child to be shared between the Director-General & the parent or other person.
Reference:	section 394(1)
Subject:	Voluntary care agreements - who may initiate?
Power and/or function:	May start negotiations for making or ending a voluntary care agreement
Reference:	section 395(a)
Subject:	Voluntary care agreements - who are parties?
Power and/or function:	Is a party to a voluntary care agreement
Reference:	section 396(1)(a)
Subject:	Voluntary care agreements - Director-General's criteria
Power and/or function:	May enter into a voluntary care agreement only if satisfied that the conditions outlined in section 397(a to d) have been met
Reference:	section 397
Subject:	Voluntary care agreements - extension
Power and/or function:	Power to extend a voluntary care agreement on the conditions set out in 400(1)(a) and (b)
Reference:	section 400

Subject:	Voluntary care agreements - early ending
Power and/or function:	As a party to the agreement may, before the agreement ends, end the agreement by giving written notice to the other parties
Reference:	section 401
Subject:	Voluntary care agreements – return of child or young person
Power and/or function:	If a voluntary agreement ends, must return the child or young person as soon as practicable after the day the voluntary agreement ends to a former caregiver of the child or other person as agreed between the parties to the agreement.
Reference:	section 402(1) & (2)
<b>Chapter 13 – Care and Protection and therapeutic protection – Emergency situations</b>	
Subject:	Emergency action - criteria for taking emergency action
Power and/or function:	May take emergency action for a child or young person on reasonable grounds
Reference:	section 406(1-2)
Subject:	Emergency action - assistance
Power and/or function:	May use whatever assistance is necessary and reasonable to take emergency action
Reference:	section 407
Subject:	Emergency action - certain people must be told
Power and/or function:	Authority to direct a police officer taking emergency action for a child as to what place or person to deliver the child
Reference:	section 408(1)(c)
Subject:	Emergency action – certain people must be told
Power and/or function:	If the Director-General takes emergency action, or is told that a police officer has taken emergency action, the Director-General must tell each parent of the child or young person; each other person who has daily care or long term responsibility of the child; the public advocate; the Children’s Court
Reference:	section: 408(3)
Subject:	Emergency action - daily care responsibility after action
Power and/or function:	If emergency action is taken the Director-General has daily care responsibility. If a police officer takes emergency action and tells the Director-General about the emergency action then the Director-General has daily care responsibility
Reference:	section 409(1)& (3)

Subject:	Emergency action - daily care responsibility after action
Power and/or function:	May authorise a police officer to exercise daily care responsibility for a child or young person on behalf of the Director-General
Reference:	section 409(4)
Subject:	Reporting of transfers
Power and/or function:	If emergency action is taken may keep daily care responsibility for the child or young person without an order of the Children's Court for the period stated in section 410 (a or b)
Reference:	section 410
Subject:	Care and Protection appraisal and placement
Power and/or function:	If the Director-General has daily care responsibility may make the arrangements for the Care and Protection of the child or young person outlined in section 411(a and b)
Reference:	section 411
Subject:	Emergency action – contact with the family
Power and/or function:	If the Director-General has daily care responsibility (under the emergency action chapter) the Director-General must, as far as practicable, allow reasonable contact between the child and family member as and significant people unless the contact would create a risk of harm to the child or young person
Reference:	section 412
Subject:	Emergency action – application for orders
Power and/or function:	If the Director-General applies for certain orders specified in the section, the Director-General needs to give a copy of the application to the people outlined in this section
Reference:	section 413
Subject:	Emergency action – return of child or young person
Power and/or function:	If the Director-General has daily care responsibility under the emergency action provisions and at the end of the period for which the Director-General may keep responsibility and none of the orders listed have been made, the Director-General must deliver the child to the people identified in this section
Reference:	section 415

Subject:	Emergency action release order – who must be given application
Power and/or function:	A copy of the application for an emergency action release order must be given by the applicant to the child or young person; each parent of the child; each other person who has daily care or long term care responsibility and the Public Advocate
Reference:	section: 419
<b>Chapter 14 – Care and Protection – Care and Protection orders</b>	
Subject:	Care and Protection order - application by Director-General
Power and/or function:	May apply to the Children’s Court for a Care and Protection order
Reference:	section 424
Subject:	Care and Protection order - application by others
Power and/or function:	If another applicant applies to the Children’s Court for a Care and Protection order may appear and be heard in the proceeding
Reference:	section 425 (3)
Subject:	Care and Protection orders – who must be given application
Power and/or function:	A copy of the application must be given by the applicant to the child or young person; each parent of the child or young person; each person who has daily care or long term care responsibility; the Public Advocate
Reference:	section 427(1)
Subject:	Care and Protection order - cross application for different provisions
Power and/or function:	As a party to a proceeding for a Care and Protection order may cross-apply for a different provision to be included in the order, different terms in a provision or a different order on grounds as outlined in this section
Reference:	section 428(1)
Subject:	Interim Care and Protection matters - court ordered meeting
Power and/or function:	Must attend a court ordered meeting for a Care and Protection order for a child or young person
Reference:	section 432(1)(a)

Subject:	Interim Care and Protection orders
Power and/or function:	The Children's Court may make an order if an application for a Care and Protection order has been made to the court but not finally decided & the court believes on reasonable grounds that the child is in need of Care and Protection
Reference:	section 433(1)
Subject:	Interim Care and Protection orders -revocation or amendment
Power and/or function:	As the applicant to the proceeding for a Care and Protection order may apply to the Court for revocation or amendment of an interim Care and Protection order subsequently made by the court. Must give a copy of the application in accordance with this section
Reference:	section 435(2)
Subject:	What is an assessment order?
Power and/or function:	An order authorising the Director-General to arrange for the Care and Protection assessment of a person in relation to a child
Reference:	section 436(a)
Subject:	Care and Protection assessment - terms of reference
Power and/or function:	Must (unless the assessment order states otherwise) decide the matters to be assessed in the Care and Protection assessment and choose an authorised assessor to make the assessment. May include any matter relevant to the assessment, must consult with the parties and must consider the criteria outlined at s437(4)
Reference:	section 437(1),(2), (3), (4)
Subject:	Care and protection assessment – report after making
Power and/or function:	An authorised assessor who carries out a care and protection assessment must, when completed, give the Director-General a written report of the assessment and any records made by the assessor carrying out the assessment. The Director-General must file the report with the Children’s Court.
Reference:	section 439
Subject:	Assessment orders - application by party
Power and/or function:	As a party to a proceeding for a Care and Protection order may apply for an assessment order on the grounds outlined in this section
Reference:	section 443(1)

Subject:	Assessment orders – who must be given application
Power and/or function:	Copy of application must be given to the child or young person; each parent of the child; each other person who has daily care or long term responsibility of the child; the public advocate
Reference:	section 445(1)
Subject:	Assessment orders - extension application
Power and/or function:	As a party to a proceeding for a Care and Protection order may apply to the Children’s Court for extension of an assessment order on reasonable grounds that the assessment cannot be properly carried out unless the order is extended
Reference:	section 450
Subject:	Care plans
Power and/or function:	For a care plan, consider who would be the best person to have a stated aspect of parental responsibility for the child or young person and propose how to ensure the living arrangements for the child are as stable as possible
Reference:	section 455(b)
Subject:	Care plans - stability proposals
Power and/or function:	If a care plan includes a proposal to place the child or young person in kinship or foster care, must prepare a stability proposal that outlines how to ensure long-term placement in a safe, nurturing & secure environment
Reference:	section 456(2-3)
Subject:	Orders under Domestic Violence and Protection Orders Act - DVPO interim protection orders
Power and/or function:	As a party to the proceeding for a Care and Protection order can apply to the Children’s Court for the making of a DVPO interim protection order
Reference:	section 459(3)(b)
Subject:	Orders under Domestic Violence and Protection Orders Act - DVPO final protection orders
Power and/or function:	As a party to the proceeding for a Care and Protection order can apply to the Children’s Court for the making of a DVPO final protection order
Reference:	section 460(2)(b)

Subject:	Extension and amendment applications
Power and/or function:	Power to apply to extend or amend a Care and Protection order
Reference:	section 466(1)
Subject:	Revocation applications
Power and/or function:	Power to apply to revoke a Care and Protection order
Reference:	section 467(1)
Subject:	Parental responsibility provisions - what is a parental responsibility provision?
Power and/or function:	May direct that a stated person has daily care responsibility for the child. May direct that a stated person has long-term care responsibility. May direct that parental responsibility is shared. May state that a person who has long term care responsibility must consult with each other person who shares long term care responsibility in making a decision about a long term matter for the child or young person
Reference:	section 474
Subject:	What is a long term parental responsibility provision
Power and/or function:	This provision means that parental responsibility is transferred (daily and long term) for the child to the Director-General or another stated person
Reference:	section 479(b)
Subject:	What is a residence provision?
Power and/or function:	Authorises a person to decide where or with whom a child must live and may include directions including that a stated person must not live at the same premises as the child, and/or that a stated person may live with the child only subject to stated conditions.
Reference:	section 484
Subject:	Contact provisions - what is a contact provision?
Power and/or function:	Authorised to decide with whom the child or young person may have contact and to decide any conditions for the contact
Reference:	section 485(b)

Subject:	What is a drug use provision?
Power and/or function:	A drug use provision for a stated person in a Care and Protection order or interim Care and Protection order, means a provision about usage of drugs by the stated person. Includes conditions including that the stated person undergo drug testing as directed by the Director-General in accordance with the drug testing standards
Reference:	section 488(c)
Subject:	Supervision provisions - what is a supervision provision?
Power and/or function:	State reasonable times and places that the people stated in a supervision provision under section 489(2)(a) must report to the Director-General
Reference:	section 489(2)
Subject:	Supervision provisions - what is a supervision provision?
Power and/or function:	May be allowed entry to stated premises for the purpose of supervising the Care and Protection of the child or young person
Reference:	section 489(2)(c)
Subject:	What is a specific issues provision?
Power and/or function:	A provision about the Care and Protection of a child which includes one of more directions; that a stated entity must do a stated thing; that a stated entity must not do a stated thing; that a stated entity must comply with a stated condition
Reference:	section 492
Subject:	Annual review reports - what is an annual review report?
Power and/or function:	For an annual review report consider the existing arrangements for the Care and Protection of the child or young person are in the best interests of the child or young person
Reference:	section 494(b)
Subject:	Annual review report - prepared at least annually
Power and/or function:	Must prepare an annual review report for a reviewable Care and Protection order for a child or person as stated in this section
Reference:	section 495

Subject:	Annual review report - consultation
Power and/or function:	Must arrange a meeting with the people outlined in this section to discuss the matters proposed to be included in the report before the report is finalised
Reference:	section 496(2)
Subject:	Annual review report - must be given to certain people
Power and/or function:	Must give an annual review report to each of the people listed in this section. May also give the report to someone else so that the other person can give the report to a person mentioned in subsection (1). Before giving the report to someone mentioned in subsections (1) or (2) may make minor alterations to the report to protect the privacy of a person named in the report
Reference:	section 497(1-3)
Subject:	Annual Review Report – must be given to certain people
Power and/or function:	If requested by the Children’s Court, the Director-General must also give an annual review report for a care and protection order for a child or young person to the Children’s Court.
Reference:	section 497(1A)
Subject:	Annual review report - application for waiver of obligation to give report to someone
Power and/or function:	May apply to the Children’s Court for an order waiving the need to give an annual review report to someone mentioned in section 497(a, b or c)
Reference:	section 498(1)
<b>Chapter 15 – Care and Protection – Director-General has aspect of parental responsibility</b>	
Subject:	Director-General may provide assistance
Power and/or function:	May provide any of the services listed in section 503(1)(a to h) if the Director-General has parental responsibility
Reference:	section 503(1)
Subject:	Director-General may provide assistance
Power and/or function:	May arrange for financial or other assistance if the Director-General stops having parental responsibility
Reference:	section 503(2)

Subject:	Director-General sharing long term care responsibility
Power and/or function:	May apply to the Children’s Court for an order about a long term matter when another person who has long term care responsibility disagrees with the Director-General's proposed decision about the matter.
Reference:	section 504
Subject:	Director-General may place child or young person with out of home carer
Power and/or function:	May place child or young person with an out of home carer if the Director-General has daily care responsibility for the child or young person
Reference:	section 512(1)
Subject:	Priorities for placement with out of home carer – Aboriginal or Torres Strait Islander child or young person
Power and/or function:	If placing an Aboriginal child or young person under section 512, <b>must</b> place the child or young person with a kinship carer as outlined in this section. <b>May</b> place an Aboriginal child or young person with any of the out of home carers listed in section 512(2)(a to e)
Reference:	section 513(1-2)
Subject:	Approved carers – individual may apply
Power and/or function:	An individual may apply to the Director-General for approval as an approved carer.
Reference:	section 514A
Subject:	Approved carers – Director-General may approve
Power and/or function:	The Director-General may, in writing, approve a person as a carer (an <b>approved carer</b> ) if satisfied that the person is an appropriate person to care for children or young people. If the Director-General orally authorises a person under s516 or s518 in relation to a child or young person, the Director-General may, at the same time, orally approve the person as an approved carer. If the Director-General orally approves the person as an approved carer, must, as soon as practicable, approve the person in writing. The Director-General may approve a person as an approved carer only if the person is registered under the <a href="#">Working with Vulnerable People (Background Checking) Act 2011</a> ; or the person is to be authorised as a kinship carer under section 516; and may engage in a regulated activity as a kinship carer under the <a href="#">Working with Vulnerable People (Background Checking) Act 2011</a> , section 16.
Reference:	section 514B

Subject:	Approved carers – criteria for approval
Power and/or function:	In deciding whether a person is an appropriate person to care for children, the Director-General must consider matters listed in s65(1) suitability information except for paragraph (d) about the person and each adult member of the household and other matters as outlined in this section.
Reference:	section 514C
Subject:	Approved carers – further information, references etc
Power and/or function:	The Director-General may by written notice given to the person, require the person to provide stated information about the person not later than a stated reasonable time, provide a stated reference or report no later than a stated reasonable time or undergo a stated test or medical examination not later than a stated reasonable time. A notice must tell a person that giving false or misleading information is an offence under the Criminal Code, part 3.4. If the Director-General has given a person a notice under this section and the person does not comply, the Director-general need not decide whether the person is an appropriate person to care for children or young people.
Reference:	section 514D
Subject:	Approved carers – expiry and renewal of approvals
Power and/or function:	The Director-General must not issue an approved carer approval for longer than 3 years. A person may apply to the Director-General to renew the approval for a period not longer than three years. The application must be in writing and received by the Director-General at least 30 days before the approval expires. The Director-General may extend the time for making an application and the approval remains in force until the application is decided.
Reference:	section 514 E
Subject:	Kinship carer - specific parental authority
Power and/or function:	The Director-General may authorise (a specific parental authority), orally or in writing a family member or significant person, of the child or young person to exercise daily or long term care responsibility for the Director-General. However this authorisation may only be made if satisfied that the family member or significant person is an approved carer (s514B) and agrees to exercise the responsibility for the Director-General.
Reference:	section 516(2)and (3)

Subject:	Foster carer - specific parental authority
Power and/or function:	The Director-General may authorise (a specific parental authority), orally or in writing a person to exercise the daily or long term care responsibility for the Director-General (a foster carer). However this authority may only be made if satisfied that the person is an approved carer (s514B) and agrees to exercise the responsibility for the Director-General.
Reference:	section 518(2) and (3)
Subject:	Residential care service - general parental authority
Power and/or function:	If the Director-General has daily care or long term responsibility for a child, the Director-General may authorise (a general parental authority), in writing, an approved residential care organisation to exercise the daily care or long term care responsibility for the Director-General (a residential care service). However, this authorisation may only be made if the organisation agrees to exercise the responsibility for the Director-General for any child or young people.
Reference:	section 520(1-3)
Subject:	Out of home carer must be given copy of authorisation and any relevant court orders
Power and/or function:	Must, as soon as practicable, authorise the person or entity in writing if the person or entity has been authorised orally and must give the person or entity a copy of the written authorisation and any relevant court order about the child or young person
Reference:	section 521(1)and (2)
Subject:	Revocation of residential care service's authorisation
Power and/or function:	May revoke an approved residential care organisation's authorisation under section 520 as a residential care service if satisfied of conditions in this section. May also revoke an entity's authorisation if the entity requests the revocation. Must follow actions in this section before revoking an entity's authorisation.
Reference:	section 524(1-4)
Subject:	Information must be kept after placement ends
Power and/or function:	Can ask a care entity for a child or young person to give the personal information or records about the child or young person kept by the care entity
Reference:	section 528(3)(a)

Subject:	Child or young person must have access to information
Power and/or function:	If a care entity keeps personal information or records and the care entity has not given the personal information or records to the Director-General - may authorise the care entity to give the child or young person access to the personal information and records if in the best interests of the child or young person
Reference:	section 529(2)
<b>Chapter 15 – Transition to Adulthood</b>	
Subject:	Transition Plans – when prepared
Power and/or function:	The Director-General must prepare a transition plan for a young person who is in out of home care and at least 15 years old and take steps to ensure the transition plan is implemented. The plan must be prepared in consultation with the young person. The Director-General may consult other people and must give the young person and others consulted an opportunity to comment on the Director-General’s proposal.
Reference:	section 529D & 529E
Subject:	Transition plans – review – with parental responsibility
Power and/or function:	The Director-General must review the transition plan at least once a year and in consultation with the young person. The Director-General may consult the out of home carer and anyone else implementing a proposal or who may assist about the plan.
Reference:	section 529F
Subject:	Transition plans – review without parental responsibility
Power and/or function:	The Director-General must take reasonable steps to ask the young person, at least once a year, whether they agree to reviewing the transition plan. If the young person agrees to a review, the Director-General must review the plan in consultation with the young person and with the agreement of the young person, other people.
Reference:	section 529G
Subject:	Transition plans – review – young adults
Power and/or function:	The Director-General must take reasonable steps to ask the young adult, at least once a year, whether they agree to the Director-General reviewing the plan. If agreed, the Director-General must review the plan in consultation with the young adult and others the young adult agrees.
Reference:	section 529H

Subject:	Assistance generally
Power and/or function	The Director-General may provide services the Director-General consider appropriate to a young person or young adult who was previously in out of home care and as outlined in the provisions of this section.
Reference:	section 529I(1)
Subject:	Financial assistance – young person or young adult
Power and/or function	The Director-General may provide financial assistance to a young person, or young adult, who was previously in out of home care in accordance with the provisions of this section.
Reference:	section 529J
Subject:	Financial assistance - previous out of home carer
Power and/or function	The Director-General may provide financial assistance to the previous carer in accordance with the provisions of this section.
Reference:	section 529JA
Subject:	Entitlement to personal items
Power and/or function	A young person or young adult who has left out of home care is entitled to have and keep, free of charge, all the young person or young adult's personal items held by the Director-General or an out of home carer for the young person or young adult.
Reference:	section 529K
Subject:	Access to protected information
Power and/or function	The Director-General may, if satisfied on reasonable grounds that it is in the young person's interests to give the young person access to the protected information held by the Director-General and direct the out of home carer to give the young person access to the protected information held by the out of home carer. The direction given to the out of home carer may be conditional.
Reference:	section 529L(2) and (3)
Subject:	Access to protected information – young adult
Power and/or function	A young adult who has left out of home care is entitled to have access, free of charge, to protected information about the young adult held by the Director-General or an out of home carer for the young adult.
Reference:	section 529M

Subject:	Access to protected information – support and assistance
Power and/or function:	If a young person or young adult seeks access to protected information, the Director-General must provide an appropriate person to support and assist the young person or young adult accessing the information.
Reference:	section 529N
<b>Chapter 16 – Care and Protection – Therapeutic protection of children and young people</b>	
Subject:	Therapeutic protection only under therapeutic protection order or for emergency action
Power and/or function:	May confine a child or young person at a therapeutic protection place only under conditions outlined in this section
Reference:	section 531
Subject:	What is a therapeutic protection order?
Power and/or function:	Transfers daily care responsibility for the child to the Director-General for the period of confinement
Reference:	section 532(b)
Subject:	What is a risk assessment?
Power and/or function:	Means an assessment by the Director-General about whether there will be significant risk of significant harm to the child or someone else; the risk of harm arises from the child's conduct and the risk of harm is imminent.
Reference:	section 534(1)
Subject:	Therapeutic protection orders - what is a therapeutic protection plan?
Power and/or function:	To reduce the likelihood of the child or young person engaging in harmful conduct in the future arrange a plan in consultation as far as practicable with the people listed in this section to include confinement details outlined in this section
Reference:	section 536
Subject:	Therapeutic protection orders - what is a transition plan?
Power and/or function:	Develop a plan for when the child or young person is no longer subject to therapeutic protection order. Include proposals outlined in subsection (b)
Reference:	section 538

Subject:	Applications for therapeutic orders - application by Director-General
Power and/or function:	May apply to the Children's Court for a therapeutic protection order if satisfied that the criteria for making an order are met
Reference:	section 539
Subject:	Therapeutic protection orders – who must be given application
Power and/or function:	Copy of application must be given to the child or young person; each parent of the child; each other person who has daily care or long term responsibility of the child; the public advocate
Reference:	section 541(1)
Subject:	Interim therapeutic protection order - criteria for making
Power and/or function:	On application by the Director-General the Children's Court may make an interim therapeutic protection order as outlined
Reference:	section 544
Subject:	Review of therapeutic protection orders - initial review within 4 weeks
Power and/or function:	Must review the operation of a therapeutic protection order not later than 4 weeks after the order is made
Reference:	section 553(2)
Subject:	Review of therapeutic protection orders - ongoing review at least each 4 weeks
Power and/or function:	Must review the operation of a therapeutic protection order not later than 4 weeks after the initial review and each ongoing review
Reference:	section 554(2)
Subject:	Review - views to be considered
Power and/or function:	In carrying out the review must consider the views of the people listed in s555(2)(a to f)
Reference:	section 555(2)
Subject:	Review report
Power and/or function:	Must prepare a review report about the operation of the therapeutic protection order. Must give a copy of the review report to the people listed in this
Reference:	section 556(2) and (3)

Subject:	Director-General's actions after review
Power and/or function:	If the Director-General decides that the therapeutic protection order should be extended, amended or revoked, the Director-General must apply to the Children's Court for the order to be extended, amended or revoked and must give a copy of an application as outlined in the Act.
Reference:	sections 557(2-4), 558, 560, 564, 565, 566, 567
Subject:	Children and young people in therapeutic protection - visits by accredited people – who is an accredited person?
Power and/or function:	Is an accredited person for a child or young person in therapeutic protection
Reference:	section 576
Subject:	Therapeutic protection place - exclusion of matters from declaration etc
Power and/or function:	May exclude from a therapeutic protection place declaration any matter that would be likely to disclose the location of a therapeutic protection place. Must disclose the location of a therapeutic protection place to the people entitled under section 634(1) to have access to the therapeutic protection register
Reference:	section 626 (1-2)
Subject:	Therapeutic protection register - who may have access?
Power and/or function:	May have access to a therapeutic protection register
Reference:	section 634(1)
<b>Chapter 17 – Care and Protection – Interstate transfer of orders and proceedings</b>	
Subject:	Interstate transfer of ACT child welfare orders - transfers of orders by Director-General - Director-General may transfer child welfare order
Power and/or function:	May transfer a child welfare order (the home order) for a child or young person to a participating State under conditions outlined in this section. May include in the interstate order any condition that could be included in a child welfare order in the relevant participating State. Must decide the period for which an interstate order is to remain in force and stated in the order
Reference:	section 643(1-2 & 4)

Subject:	Children's Court transfer - application
Power and/or function:	May apply to the Children's Court for an order transferring a child welfare order to a participating State
Reference:	section 648(1)
Subject:	Interstate transfer of ACT child welfare proceedings - applications
Power and/or function:	May apply to the Children's Court for an order transferring a child welfare proceeding pending in the Court to the State Children's Court of a participating State.
Reference:	section 658(1)
Subject:	ACT registration of interstate child welfare orders
Power and/or function:	Must file a copy of the interstate child welfare order in the Children's Court for registration if a child welfare order is transferred to the ACT under an interstate law
Reference:	section 666(1)
Subject:	ACT registration of interstate child welfare orders - application for revocation
Power and/or function:	May apply to the Children's Court for revocation of the registration of the order
Reference:	section 669(2)
Subject:	ACT registration of interstate child welfare proceedings
Power and/or function:	Must file a copy of the documents listed in section 672 (1)(a and b) in the Children's Court for registration if a child welfare proceeding is transferred to the ACT under an order under an interstate law
Reference:	section 672(1)
Subject:	ACT registration of interstate child welfare proceedings - application for revocation
Power and/or function:	May apply to the Children's Court for revocation of the registration of the order
Reference:	section 675(2)
<b>Chapter 18 – Care and Protection – Police assistance</b>	
Subject:	Assistance in carrying out orders etc - police assistance
Power and/or function:	May ask the chief police officer for assistance in carrying out any of the actions listed in this section
Reference:	section 679(1)

Subject:	Assistance in carrying out orders etc - seized things may be kept until matter completed
Power and/or function:	If something is seized under section 680(1)(b) – (police powers) may keep the thing until the action is completed and any proceeding arising out of the action is finalised
Reference:	section 681
Subject:	Safe custody – parental responsibility to Director-General
Power and/or function:	Director-General has the daily care responsibility for a child or young person taken into safe custody under a safe custody warrant
Reference:	section 683
Subject:	Safe custody warrant - application
Power and/or function:	May apply to a magistrate for a safe custody warrant if on reasonable grounds the criteria for issuing the safe custody warrant are satisfied
Reference:	section 685(1)
Subject:	Safe custody warrant - content
Power and/or function:	A safe custody warrant must state; the name of the child; the order for which the safe custody warrant is issued; that the Director-General may with necessary and reasonable assistance and force, enter stated premises and exercise the Director-General's powers under this part; and the hours when the premises may be entered and the date
Reference:	section 687(1)
Subject:	Safe custody warrant - application made other than in person
Power and/or function:	May apply for the warrant before the application is sworn. The Director-General must complete a form of warrant (the warrant form) and write on it - the magistrate's name and the date and time the magistrate issued the warrant and the warrant's terms.
Reference:	section 688(3&5)
Subject:	Safe custody warrant - announcement before entry
Power and/or function:	Must, before anyone enters premises under a safe custody warrant, follow actions outlined in this section
Reference:	section 689(1)

Subject:	Safe custody warrant - placement of child or young person
Power and/or function:	Can decide placement of a child taken into safe custody under a safe custody warrant if no place is stated in the warrant
Reference:	section 692(b)
Subject:	Safe custody - matter must be brought to court promptly
Power and/or function:	If a child or young person is taken into safe custody under a safe custody warrant must ensure that the matter is brought before the Children's Court not later than 1 working day after the day the child or young person is taken into safe custody
Reference:	section 694(1)
Subject:	Application - oral applications
Power and/or function:	A person may, with the leave of the court, make an oral application under this Act for a proceeding before, during or after the hearing of the proceeding
Reference:	section 698(1)
Subject:	Application - withdrawal or discontinuance
Power and/or function:	A person who has applied to a court for an order under the Care and Protection chapters may withdraw or discontinue the application
Reference:	section 699(1)
<b>Chapter 19 - Care and Protection – Provisions applying to all proceedings under Care and Protection chapters</b>	
Subject:	Parties - hearing in party's or other person's absence
Power and/or function:	If someone makes an application under the Care and Protection chapters, the person may, at the same time, seek the leave of the court to have the application heard in the absence of any other party or person who must be given a copy of the application
Reference:	section 701(1)
Subject:	Parties - application for removal of party
Power and/or function:	A party to a proceeding under the Care and Protection chapters (the <i>applicant</i> ) may apply to the court for an order that another party to the proceeding be removed as a party. The applicant must give a copy of the application to each party to the proceeding and the public advocate
Reference:	section 706

Subject:	Parties - representation
Power and/or function:	Delegate or authorise someone to appear on the Director-General's behalf
Reference:	section 709(2)
Subject:	Orders - by agreement
Power and/or function:	Parties to an application under the Care and Protection chapters may file with the court draft order (the draft consent order). The draft consent order must be signed.
Reference:	section 719
<b>Chapter 19A – Children and Young People Death Review Committee</b>	
Subject:	Providing the Committee with information
Power and/or function:	The Director-General responsible for administering the <i>Children and Young People Act 2008</i> must give the Children and Young People Death Review Committee information as outlined at s727N(2) and other information requested in writing by the Committee
Reference:	section 727O
<b>Chapter 24 – Appeals and review</b>	
Subject:	Appeals to Supreme Court - Care and Protection chapters
Power and/or function:	May appeal as a party to the proceeding in which the decision was made
Reference:	section 836(2)
Subject:	ACAT review – review of decisions – chapter 15, 20
Power and/or function:	If the Director-General makes a reviewable decision listed in this division for chapter 15 and 20 must give written notice of the decision to each person mentioned in the table, column 3 for the item
Reference:	section 839(2)
<b>Chapter 25 – Information secrecy and sharing</b>	
Subject:	Sharing protected information - Minister or Director-General giving information to person about the person
Power and/or function:	May give a person protected information held about the person
Reference:	section 850

Subject:	Sharing protected information - Minister or Director-General giving information in best interests of child or young person
Power and/or function:	May give someone protected information about a child or young person if giving the information is in the best interests of the child or young person. Before giving protected information the Minister must ask the Director-General for advice about giving the information and consider any advice given by the Director-General
Reference:	section 851(1)
Subject:	Sharing protected information - Minister or Director-General giving information in best interests of child or young person
Power and/or function:	An information sharing entity may ask the Director-General for information the Director-General may give the information sharing entity under this section.
Reference:	section 851(3)
Subject:	Sharing protected information - Director-General giving information to person under corresponding provisions
Power and/or function:	May give protected information to any person who is exercising a function under a provision of a State law corresponding (or substantially corresponding) to a provision under this Act
Reference:	section 852
Subject:	Director-General - giving information to researcher
Power and/or function:	May give protected information to a researcher for an approved research project. Information may be about the child or young person, his or her family or someone else
Reference:	section 855(1-2)
Subject:	Sharing protected information - Director-General giving information to authorised assessor
Power and/or function:	May give an authorised assessor for a care and protection assessment protected information in relation to the child or other person, who is the subject of the assessment
Reference:	section 856(1)
Subject:	Sharing safety and wellbeing information - Minister or Director-General giving information to information sharing entity
Power and/or function:	May give an information sharing entity for a child or young person safety and wellbeing information in relation to the child or young person.
Reference:	section 860(1)

Subject:	Minister or Director-General - giving safety and wellbeing information to information sharing entity
Power and/or function:	An information sharing entity may ask the Director-General for information the Director-General can give the information sharing entity under this section
Reference:	section 860(2)
Subject:	Sharing safety and wellbeing information - Director-General asking for information from information sharing entity
Power and/or function:	May ask an information sharing entity for a child or young person to give safety and wellbeing information in relation to the child or young person
Reference:	section 862(1)
Subject:	Sharing safety and wellbeing information - care teams
Power and/or function:	May declare that the Director-General and a group of other people and entities are a care team for a child or young person
Reference:	section 863(1)
Subject:	Care teams - sharing safety and wellbeing information
Power and/or function:	May include members of a care team only if satisfied of the conditions outlined at section 863(2)
Reference:	section 863(2) check this is in Kate's version
<b>Chapter 26 - Miscellaneous</b>	
Subject:	Confidential report of contravention of Act
Power and/or function:	The person may report (in a <b>confidential report</b> ) the suspicion, and the reasons for the suspicion to the Director-General
Reference:	section 876(2)
Subject:	Provision of information to Public Advocate
Power and/or function:	If the Public Advocate makes a request of an ACT child welfare service under subsection 1, the service must comply with the request promptly.
Reference:	section 879(2)
Subject:	Evidentiary certificates - Director-General - parental responsibility
Power and/or function:	Can sign a certificate stating any of the matters outlined in section 881
Reference:	section 881

Subject:	Evidentiary certificates - Director-General - custody etc
Power and/or function:	Can sign a certificate stating any of the matters outlined in section 882(1)(a) to (i)
Reference:	section 882(1)
Subject:	Evidentiary certificates - Director-General - custody etc
Power and/or function:	Can sign a certificate stating any matter prescribed by regulation
Reference:	section 882(4)

### SCHEDULE 3 – Court Procedures Act 2004

<b>Provisions of Act</b>	
	<b>Part 7A – Procedural provisions – proceedings involving children or young people</b>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Court proceedings involving children or young people not open to public</p> <p>(1) If a child or young person is the subject of a proceeding in a court, the following people are the only people who may be present at the hearing of the proceeding:</p> <p>(f) the director-general responsible for the Children and Young People Act 2008 or an authorised person under that Act.</p> <p>(3) The public advocate and the director-general responsible for the Children and Young People Act 2008 may make submissions to the court about whether the court should require or permit a person to be present under section 72(1)(l), or exclude a person under section 72(2)</p>
Reference:	section 72
<p>Subject:</p> <p>Power and/or function:</p>	<p>Court may excuse parties from attending proceedings</p> <p>(2) On the application of a party to the proceeding, the court may excuse the party from attending all or part of the proceeding.</p> <p>(3) The court may, at any time and by notice given to the party, require the party to attend the proceeding.</p>
Reference:	section 73
<p>Subject:</p> <p>Power and/or function:</p>	<p>Participation of children and young people in proceedings</p> <p>(2) The court may ask the director-general responsible for the Children and Young People Act 2008 to assist the court by giving the child or young person sufficient information about the proceeding, in language and a way that the child or young person can understand, to allow the child or young person to take part fully in the proceeding</p>
Reference:	section 74A

<b>Provisions of Act</b>	
<p>Subject:</p> <p>Power and/or function:</p>	<p>Court may order a report about young person</p> <p>(1) A court hearing a criminal proceeding in relation to or against a child or young person may order the director general responsible for the Children and Young People Act 2008 to give the court a report about the child or young person.</p> <p>(2) A director general given an order must, despite any other ACT law other than the Human Rights Act 2004, give a report.</p> <p>(3) In giving effect to the order, the director general may do, or arrange for someone else to do, 1 or more of the following:</p> <p>(a) visit and interview the child or young person;</p> <p>(b) interview a parent of the child or young person;</p> <p>(c) interview a schoolteacher or other person involved with the education or welfare of the child or young person;</p> <p>(d) require the child or young person to submit to being interviewed by a doctor or other named person.</p>
<p>Reference:</p>	<p>section 74D</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Proceedings dismissed or adjourned for care and protection reasons</p> <p>(2) If a court acts under subsection (1), the court must, as soon as practicable but not later than 2 working days after the day it acts, give a statement of the reasons for the action to –</p> <p>(a) the director-general</p> <p>(4) The director-general must treat a statement of reasons given to the director-general under subsection (2) as if it were a [mandatory] report made under section 356, Children and Young People Act 2008</p>
<p>Reference:</p>	<p>Section 74K</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Director General must report to court and public advocate</p> <p>(2) Not later than 15 days after the day the court adjourns the proceeding under section 74K(1), the director-general must tell the public advocate and the court, in writing -</p> <p>(a) what action the director-general has taken, is taking or proposes to take under the care and protection chapters in relation to the child or young person; or</p> <p>(b) if the director-general proposes to take no action under any care and protection chapter in relation to the child or young person – that the director-general proposes to take no action.</p>
<p>Reference:</p>	<p>section 74L</p>

## SCHEDULE 4 – Crimes (Restorative Justice) Act 2004

<b>Provisions of Act</b>	
Subject:	Section 22 (1) Part 19.4 Referring Entities
Power and/or function:	An entity mentioned in table 22, column 2 (a referring entity) may refer an offence for restorative justice at the stage of the criminal justice process described for that entity in column 2 in relation to the offence.
Reference:	
Subject:	Table 22 Item 1
Power and/or function:	<ul style="list-style-type: none"> <li>(a) after the offender is cautioned or apprehended; and</li> <li>(b) before a prosecution referral is made for the offender</li> </ul>
Reference:	
Subject:	Table 22 Item 5
Power and/or function:	<ul style="list-style-type: none"> <li>(a) after a court has made a sentence-related order in relation to the offender; and</li> <li>(b) before the end of the term of the sentence-related order or the sentence (if any) of which it forms part (whichever is later)</li> </ul>
Reference:	

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**SCHEDULE 5 – Crimes (Sentence Administration) Act 2005**

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<b>Provisions of Act</b>	
<b>Chapter 3 – Imprisonment and remand</b>	
Subject:	Effect of committal order
Power and/or function:	The committal order— (a)authorises the director-general to have custody of the offender under the order; and (b)requires the director-general to— (i) take the offender into custody; and (ii) keep the offender imprisoned under full-time detention until released under this Act or another territory law.
Reference:	Section 11
Subject:	<i>Warrant for imprisonment</i>
Power and/or function:	(1) The committing authority must issue a warrant for the imprisonment of the offender in the director-general’s custody. (2) The warrant— (a) must be addressed to the director-general; and (b) may be signed by a person authorised by the committing authority.
Reference:	Section 12
Subject:	Custody of sentenced offender
Power and/or function:	The director-general must keep the offender imprisoned under full-time detention under this Act and the Corrections Management Act 2007 until released under this Act or another territory law.  Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008)
Reference:	Section 13

<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Effect of remand order</p> <p>The remanding authority's order for remand—</p> <ul style="list-style-type: none"> <li>(a) authorises the director-general to have custody of the remandee under the order; and</li> <li>(b) requires the director-general to— <ul style="list-style-type: none"> <li>(i) take the remandee into custody; and</li> <li>(ii) keep the remandee in custody under full-time detention under the order; and</li> <li>(iii) return the remandee to the remanding authority as required by the order.</li> </ul> </li> </ul> <p>Section 16</p>
<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Warrant for remand</p> <ul style="list-style-type: none"> <li>(1) The remanding authority must issue a warrant for the remand of the remandee in the director-general's custody.</li> <li>(2) The warrant— <ul style="list-style-type: none"> <li>(a) must be addressed to the director-general; and</li> <li>(b) may be signed by a person authorised by the remanding authority.</li> </ul> </li> <li>(3) The warrant— <ul style="list-style-type: none"> <li>(a) may state any considerations about the remand to which the director-general must have regard; and</li> <li>(b) must state when and where the remanding authority orders the return of the remandee to the remanding authority.</li> </ul> </li> </ul> <p>Section 17</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Custody of remandee</p> <ul style="list-style-type: none"> <li>(1) The director-general must— <ul style="list-style-type: none"> <li>(a) keep the remandee in custody under full-time detention under this Act and the Corrections Management Act 2007 under the order for remand; and</li> <li>(b) return the remandee to the remanding authority as ordered by the remanding authority.</li> </ul> </li> <li>(2) The director-general must ensure that the remandee is held in custody in the place that the director-general decides is the most appropriate.</li> <li>(3) For subsection (2)— <ul style="list-style-type: none"> <li>(a) the director-general must have regard to the following: <ul style="list-style-type: none"> <li>(i) the remanding authority's order for remand;</li> <li>(ii) any considerations about the remand stated in the warrant by the remanding authority;</li> <li>(iii) whether the remandee is also a sentenced offender;</li> <li>(iv) the availability of suitable places of custody;</li> <li>(v) the practicality of moving the remandee to and from the place of custody to satisfy the remanding authority's order for the return of the remandee; and</li> </ul> </li> </ul> </li> </ul>

	<p>(b) the director-general may have regard to anything else the director-general considers relevant.</p> <p>Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008)</p>
Reference:	Section 18
Subject:	Directions to escort officers
Power and/or function:	(1) For this chapter, the director-general may give directions to an escort officer in relation to an offender or remandee, including directions to take the offender or remandee into custody or to a place stated in the direction.
Reference:	Section 20(1)
Subject:	Orders to bring offender or remandee before court etc
Power and/or function:	(2) Without limiting subsection (1), the director-general must arrange for an offender, remandee or other person in the director-general'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.
Reference:	Section 21(2)
<b>Chapter 4 Full-time detention</b>	
Subject:	Application – ch 4
Power and/or function:	(1) This chapter applies to a person (a full-time detainee) if the person is— (a) an offender in the director-general's custody because of section 11 (Effect of committal order); or (b) a remandee in the director-general's custody because of section 16 (Effect of remand order).
Reference:	Section 22(1)
Subject:	Full-time detention – director-general directions
Power and/or function:	(1) For this chapter, the director-general may give directions, orally or in writing, to a full-time detainee. (2) To remove any doubt, this section does not limit section 321 (Director-general directions—general).
Reference:	Section 25

<p>Subject:</p> <p>Power and/or function:</p>	<p>Full-time detention in ACT or NSW</p> <p>(1) The director-general must arrange for a full-time detainee to be kept in full-time detention at—</p> <p>(a) an ACT correctional centre; or</p> <p>(b) a NSW correctional centre.</p> <p>(2) For this section, the director-general may, in writing, direct that a full-time detainee—</p> <p>(a) be detained at the ACT correctional centre stated in the direction; or</p> <p>(b) be removed to a NSW correctional centre stated in the direction.</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p>
<p>Reference:</p>	<p>Section 26</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Work and activities by full-time detainee</p> <p>(1) The director-general may direct an offender, orally or in writing—</p> <p>(a) to participate in an activity that the director-general considers desirable for the offender’s welfare or training; or</p> <p>(b) to do work at a correctional centre, or community service work outside a correctional centre, that the director-general considers suitable for the offender.</p> <p>(3) The director-general may allow a remandee to do work at a correctional centre, or community service work outside a correctional centre, that the director-general considers suitable for the remandee.</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p>
<p>Reference:</p>	<p>Section 28(1), (3)</p>

<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Custody of full-time detainee – lawful absence from correctional centre</p> <p>While lawfully absent from a correctional centre, a full-time detainee—</p> <p>(a) remains in the director-general’s custody; and</p> <p>(b) if under escort by an escort officer—is also taken to be in the escort’s custody.</p> <p>Examples of lawful absence from correctional centre</p> <p>1) while doing community service work</p> <p>2) while being moved to a correctional centre, court, hospital or other place under direction by the director-general.</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p> <p>Section 29</p>
<p>Subject:</p> <p>Power and/or function:</p>	<p>Early release of offender</p> <p>(1) This section applies if the term of an offender’s sentence of imprisonment is longer than 6 months.</p> <p>(2) The director-general may, in writing, direct that the offender be released from imprisonment—</p> <p>(a) if the term of the sentence is less than 1 year—on any day within the 7-day period before the offender’s release date; or</p> <p>(b) if the term of the sentence is 1 year or longer—on any day within the 14-day period before the offender’s release date.</p> <p>(3) For subsection (2), the director-general may have regard to any of the following:</p> <p>(a) the offender’s conduct while serving the sentence;</p> <p>(b) any compassionate, health or employment-related circumstances applying to the offender;</p> <p>(c) the management of the correctional centre where the offender is detained;</p> <p>(d) anything else that the director-general considers appropriate.</p> <p>(4) If the director-general gives a direction under subsection (2)—</p> <p>(a) the offender may be released from imprisonment at any time on the day stated in the direction; and</p> <p>(b) the offender’s sentence is taken to have ended when the offender is released under the direction.</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional</p>

Reference:	centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008) Section 31(1),(2), (3), (4)
<b>Chapter 6 – Good Behaviour Orders</b>	
Subject:	Definitions - ch 6
Power and/or function:	interested person, for an offender’s good behaviour order, means any of the following: (a) the offender; (b) a surety under the order; (c) the director-general; (d) the director of public prosecutions.
Reference:	Section 84
Subject:	Good Behaviour Orders – core conditions
Power and/or function:	(b) if the offender is charged with an offence against a law in force in Australia or elsewhere—the offender must tell the chief executive about the charge as soon as possible, but within 2 days after the day the offender becomes aware of the charge; (c) if the offender’s contact details change—the offender must tell the director-general about the change as soon as possible, but within 2 days after the day the offender knows the changed details; (d) the offender must comply with any direction given to the offender by the director-general under this Act or the Corrections Management Act 2007 in relation to the good behaviour order; (f) if the good behaviour order is subject to a probation condition or supervision condition—the offender must not leave the ACT for more than the defined period without the director-general’s approval.  Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008)
Reference:	Section 86(1)(b), (c), (d), (f)
Subject:	Good behaviour – director-general directions
Power and/or function:	(1) For this chapter, the director-general may give directions, orally or in writing, to an offender. (2) To remove any doubt, this section does not limit section 321 (Director-general directions—general).
Reference:	Section 87

Subject:	Community service work – director-general directions
Power and/or function:	(1) The director-general may direct an offender, orally or in writing, to do community service work that the director-general considers suitable for the offender. (8) If the offender cannot comply with the director-general’s direction under this section, the offender must— (a) tell the corrections supervisor as soon as possible; and (b) comply with the corrections supervisor’s directions.
Reference:	Section 91(1), (8)
Subject:	Community service work – failure to report etc
Power and/or function:	(2) The director-general may direct the offender, orally or in writing, not to do the community service work and to leave the place where it was to be done.
Reference:	Section 92(2)
Subject:	Community service work – health disclosures
Power and/or function:	An offender must tell the director-general as soon as possible about any change of which the offender is aware in the offender’s physical or mental condition that affects the offender’s ability to do community service work safely.
Reference:	Section 94
Subject:	Community service work – reports by entities
Power and/or function:	(2) The director-general must ensure that the agreement requires the entity, on the director-general’s request, to give the director-general written reports about the offender’s participation in the community service work.
Reference:	Section 97(2)
Subject:	Rehabilitation programs – director-general directions
Power and/or function:	(1) The director-general may give an offender directions, orally or in writing, in relation to a rehabilitation program condition to which the offender’s good behaviour order is subject.
Reference:	Section 100(1)
Subject:	Rehabilitation program providers – reports by providers
Power and/or function:	(2) The director-general must ensure that the agreement requires the entity, on the director-general’s request, to give the director-general written reports about the offender’s participation in the rehabilitation program.
Reference:	Section 101(2)

<b>Chapter 10 – Victim and offender information</b>	
Subject:	Victim’s register – young offenders
Power and/or function:	<p>(1) The director-general must maintain a register of victims of young offenders.</p> <p>(2) The director-general must enter in the register information about a victim of a young offender that the victim, or someone acting for the victim, asks the director-general to enter in the register.</p> <p>(3) As soon as practicable after entering the victim’s information in the register, the director-general must give the victim information, orally or in writing, about the rights of registered victims under section 216A to information about young offenders who are sentenced.</p> <p>(4) If the victim is a child under 15 years old, the director-general may give the information to a person who has parental responsibility for the victim under the Children and Young People Act 2008.</p> <p>(5) Subsection (4) does not limit the cases in which the director-general may give information to a person acting for a victim.</p> <p>(6) In this section: director-general means the director-general responsible for the Children and Young People Act 2008.</p>
Reference:	Section 215A
<b>Chapter 14 – Community service work – general</b>	
Subject:	Protection from liability for people involved in the community service work
Power and/or function:	<p>(1) A person involved in community service work is not civilly liable to someone (other than the offender doing the work) for conduct engaged in by the offender in doing the work.</p> <p>(2) A person involved in community service work is not civilly liable to the offender for conduct engaged in by the person in relation to the work.</p> <p>(3) Any civil liability that would, apart from this section, attach to the person involved attaches instead to the Territory.</p> <p>(4) However, subsections (1) and (2) do not apply if—</p> <p>(a) the community service work was not approved by the director-general; or</p> <p>(b) the conduct was intended (whether by itself or with other conduct) to cause injury, loss or damage.</p>
Reference:	Section 317(4)(a)

Subject:	Community service work not to displace employees
Power and/or function:	The director-general must not direct or allow an offender to do community service work if the director-general believes, on reasonable grounds, that, in doing the work, the offender would take the place of someone who would otherwise be employed to do the work.
Reference:	Section 318
Subject:	Community service work – occupational health and safety
Power and/or function:	(1) The director-general must ensure, as far as practicable, that the conditions for doing community service work comply with requirements under the Occupational Health and Safety Act 1989 in relation to the doing of the work by employees. (2) In particular, the director-general must ensure that arrangements for an offender do to community service work take account, as far as practicable, of the need— (a) to secure the health, safety and welfare of the offender; and (b) to protect people at or near community service work workplaces from risks to health or safety arising out of the activities of the offender.
Reference:	Section 320(1), (2)
<b>Chapter 14A – Sentence administration – young offenders</b>	
Subject:	Youth justice principles to be considered
Power and/or function:	(2) In this section, CYP young offender means – (a) a young offender serving a sentence of imprisonment at a detention place; or (b) a young offender serving a sentence (other than a sentence of imprisonment) – (i) who is under 18 years old; or (ii) who is over 18 years old but for whom the director-general (CYP) is responsible in accordance with a decision under section 320F (Young offenders – administration of sentences other than imprisonment).
Reference:	Section 320B(2)
Subject:	Young offenders and remandees – references to director-general
Power and/or function:	(1) A reference in this Act to the director-general is, in relation to a function to be exercised in relation to a CYP young offender or a young remandee, a reference to the director-general responsible for the Children and Young People Act 2008.
Reference:	Section 320D(1)

Subject:	Young offenders and remandees – references to director-general
Power and/or function:	(2) In this section, CYP young offender means – (a) a young offender serving a sentence of imprisonment at a detention place; or (b) a young offender serving a sentence (other than a sentence of imprisonment) – (i) who is under 18 years old; or (ii) who is over 18 years old but for whom the director-general (CYP) is responsible in accordance with a decision under section 320F (Young offenders – administration of sentences other than imprisonment).
Reference:	Section 320D(2)(b)(ii)
Subject:	Young remandees – remand to be at detention place
Power and/or function:	(2) The director-general must— (a) keep the young remandee in custody under full time detention under this Act and the Children and Young People Act 2008 under the order for remand; and (b) return the young remandee to the remanding authority as ordered by the remanding authority.
Reference:	Section 320E(2)
Subject:	Young offenders – administration of sentences other than imprisonment
Power and/or function:	(2) The director-general responsible for this Act and the director-general responsible for the Children and Young People Act 2008 must decide which of them is to be the administering director-general for the person.
Reference:	Section 320F(2)
<b>Chapter 15 - Miscellaneous</b>	
Subject:	Director-general directions – general
Power and/or function:	(1) For this Act, the director-general may give a direction to a person who is in the director-general’s custody under this Act. (2) Without limiting subsection (1), the director-general may give a direction that the director-general considers necessary for any of the following: (a) the welfare or safe custody of the person or anyone else; (b) the security or good order of a correctional centre; (c) ensuring compliance with any requirement under this Act or any other territory law.
Reference:	Section 321(1), (2)

<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Evidentiary certificates</p> <p>(1) A certificate that appears to be signed by or for the director-general, and states any matter relevant to anything done or not done under this Act in relation to person, is evidence of the matter.</p> <p>(2) Without limiting subsection (1), a certificate under subsection (1) may state any of the following:</p> <p>(b) that a stated person was or was not in the director-general's custody on a stated day;</p> <p>(i) that the director-general gave a stated direction to a stated person on a stated day;</p> <p>(j) that a stated person did not comply with a stated direction by the director-general on a stated day;</p> <p>(3) A certificate that appears to be signed by or for the director-general, and states any matter prescribed by regulation for this section, is evidence of the stated matter.</p> <p>(8) The director-general may appoint analysts for this Act.</p> <p>Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.</p> <p>Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).</p> <p>Section 321(A), (1), (2)(b), (2)(i), (2)(j), (3), (8)</p>
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**SCHEDULE 6 – Crimes (Sentencing) Act 2005**

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<b>Provisions of Act</b>	
<b>Chapter 4 – Sentencing procedures generally</b>	
<p>Subject:</p> <p>Power and/or function:</p>	<p>Pre-sentence reports - order</p> <p>(1) Before sentencing the offender, a court may—</p> <p>(a) order the director-general to prepare a report (a pre-sentence report) for the offender.</p> <p>(2) However, the court must order the director-general to prepare a pre-sentence report before sentencing the offender to serve all or any part of a sentence by—</p> <p>(a) periodic detention; or</p> <p>(b) community service work under a good behaviour order; or</p> <p>(c) undertaking a rehabilitation program under a good behaviour order.</p> <p>(5) The director-general must arrange for an assessor to prepare a pre-sentence report ordered by the court.</p> <p>(7) In this section: director-general means—</p> <p>(a) for a report about a young offender—the CYP director-general; and</p> <p>(b) for any other report—the director-general responsible for this Act.</p>
<p>Reference:</p>	<p>section 41(1)(a), (2), (5), (7)</p>
<b>Chapter 5 - Imprisonment</b>	
<p>Subject:</p> <p>Power and/or function:</p>	<p>Imprisonment – official notice of sentence</p> <p>(1) As soon as practicable after (but no later than 10 working days after the day) the court makes the order sentencing the offender to imprisonment, the court must ensure that written notice of the order, together with a copy of the order, is given to—</p> <p>(b) the director-general</p> <p>(5) In this section: director-general means—</p> <p>(a) for an order made for a young offender—the CYP director-general; and</p> <p>(b) for any other order—the director-general responsible for this Act.</p>
<p>Reference:</p>	<p>section 84(1)(b), (5)</p>

<b>Chapter 6 – Good behaviour orders</b>	
Subject:	Good behaviour orders – official notice of order
Power and/or function:	<p>(1) As soon as practicable after the court makes the good behaviour order, the court must ensure that written notice of the order, together with a copy of the order, is given to—</p> <p>(b) if the order includes a community service condition, probation condition or rehabilitation program condition—the director-general.</p> <p>(4) In this section: director-general means—</p> <p>(a) for an order made for a young offender—the CYP director-general; and</p> <p>(b) for any other order—the director-general responsible for this Act.</p>
Reference:	Section 103(1)(b), (4)
<b>Chapter 8 – Deferred sentence orders</b>	
Subject:	Deferred sentence orders – review
Power and/or function:	<p>(3) The sentencing court may review the deferred sentence order—</p> <p>(a) on its own initiative; or</p> <p>(b) on application by—</p> <p>(i) the offender; or</p> <p>(ii) the director-general; or</p> <p>(iii) the director of public prosecutions.</p> <p>(5) In this section: director-general means—</p> <p>(a) if the offender is under 18 years old when the application is made—the CYP director-general; and</p> <p>(b) in any other case—the director-general responsible for this Act.</p>
Reference:	Section 126(3)(b)(ii), (5)
Subject:	Deferred sentence orders – notice of review
Power and/or function:	<p>(1) The sentencing court must give a written notice of a proposed review of the offender’s deferred sentence order to the offender, the director-general and the director of public prosecutions.</p> <p>(3) In this section: director-general means—</p> <p>(a) if the offender is under 18 years old when the notice is given—the CYP director-general; and</p> <p>(b) in any other case—the director-general responsible for this Act.</p>
Reference:	Section 127(1), (3)

Subject:	Deferred sentence orders – when amendments take effect
Power and/or function:	<p>(5) As soon as practicable after the sentencing court makes the amendment order, the court must ensure that written notice of the order, together with a copy of the order, is given to the offender, the director-general and the director of public prosecutions.</p> <p>(7) In this section: director-general means— (a) if the offender is under 18 years old when the amendment order is made—the CYJ director-general; and (b) in any other case—the director-general responsible for this Act.</p>
Reference:	Section 129(5), (7)
Subject:	Deferred sentence orders – when cancellation takes effect
Power and/or function:	<p>(4) As soon as practicable after the sentencing court makes the cancellation order, the court must ensure that written notice of the order, together with a copy of the order, is given to the offender, the director-general and the director of public prosecutions.</p> <p>(6) In this section: director-general means— (a) if the offender is under 18 years old when the cancellation order is made—the CYP director-general; and (b) in any other case—the director-general responsible for this Act.</p>
Reference:	Section 130(4), (6)
<b>Chapter 8A – Sentencing young offenders</b>	
Subject:	Young offenders – chief executive may give court information about availability of resources
Power and/or function:	The chief executive (CYP) may give the court information about the availability of resources that would be needed to give effect to an order the court may make in relation to a young offender under this Act.
Reference:	Section 133F

<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Education and training conditions – suitability</p> <p>(1) In deciding whether to include an education and training condition in the good behaviour order, the court must consider the following:</p> <p>(d) any evidence given by the CYP director-general about the young offender.</p> <p>(3) The court may include, or decline to include, an education and training condition in the good behaviour order for the young offender despite—</p> <p>(c) any evidence given by the CYP director-general about the young offender.</p> <p>Section 133R(1)(d), (3)</p>
<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Meaning of a supervision condition – Act</p> <p>(1) In this Act:</p> <p>supervision condition, of a good behaviour order for a young offender, means a condition included in the order that—</p> <p>(a) requires the young offender to comply with all reasonable directions given by the director-general; and</p> <p>(b) allows the director-general to require information from entities directly supervising the young offender.</p> <p>(2) In this section:</p> <p>director-general means—</p> <p>(a) if the offender is under 18 years old when the direction is given or the requirement is made—the CYP director-general; and</p> <p>(b) in any other case—the director-general responsible in accordance with a decision made under the Crimes (Sentence Administration) Act 2005, section 320F.</p> <p>Section 133U(1)(2)</p>
<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Meaning of accommodation order – Act</p> <p>(1) In this Act:</p> <p>accommodation order, in relation to a young offender, means an order made by a court requiring the young offender to live at the place or with the person, whether within or outside the ACT—</p> <p>(a) stated in the order; or</p> <p>(b) that the director-general from time to time directs.</p> <p>(2) In this section:</p> <p>director-general means—</p> <p>(a) if the offender is under 18 years old when the direction is given—the CYP director-general; and</p> <p>(b) in any other case—the director-general responsible in accordance with a decision made under the Crimes (Sentence Administration) Act 2005, section 320F.</p> <p>Section 133Y</p>

<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Accommodation orders – suitability</p> <p>(1) In deciding whether to make an accommodation order for a young offender, the court must consider the following:</p> <p>(d) any evidence given by the CYP director-general about the young offender.</p> <p>(3) The Court may make, or decline to make, an accommodation order, for a young offender despite—</p> <p>(c) any evidence given by the CYP director-general about the young offender.</p> <p>133ZB(1)(d), (3)(c)</p>
<p><b>Chapter 9 - Miscellaneous</b></p>	
<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Information exchanges between criminal justice agencies</p> <p>(4) In this section:</p> <p>criminal justice entity means any of the following:</p> <p>(a) the Supreme Court;</p> <p>(b) the Magistrates Court;</p> <p>(c) the director-general responsible for this Act;</p> <p>(d) the CYP director-general;</p> <p>(e) the sentence administration board;</p> <p>(f) the director of public prosecutions;</p> <p>(g) the chief police officer;</p> <p>(h) the victims of crime coordinator under the Victims of Crime Act 1994;</p> <p>(i) any other entity prescribed by regulation.</p> <p>Section 136(4)</p>

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**SCHEDULE 7 – Drugs of Dependence Act 1989**

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<b>Provisions of Act</b>	
Subject:	Definitions for pt 9
Power and/or function:	<b>responsible officer</b> means— (a) in relation to an offender who is under 18 years old—the chief executive of the administrative unit responsible for the <i>Children and Young People Act 2008</i>
Reference:	Section 121 - definitions