

Authorised Version No. 013
Children, Youth and Families Regulations
2007

S.R. No. 21/2007

Authorised Version incorporating amendments as at
10 November 2014

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to prescribe various matters required to be prescribed or permitted to be prescribed under the **Children, Youth and Families Act 2005**.

2 Authorising provision

These Regulations are made under section 600 of the **Children, Youth and Families Act 2005**.

3 Commencement

These Regulations come into operation on 23 April 2007.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definition

In these Regulations—

the Act means the **Children, Youth and Families Act 2005**.

PART 2—PROTECTIVE SERVICES

6 Prescribed information holder

For the purposes of paragraph (n) of the definition of *information holder* in section 3 of the Act the following classes of persons are prescribed—

- (a) a person in charge of a body that receives funding from the Secretary under a State contract to provide family violence services;
- (b) a person in charge of a local government program, other than a program provided by a registered community service, that—
 - (i) provides services to meet the needs of children requiring care, support, protection, and accommodation; and
 - (ii) provides services to meet the needs of families requiring support;
- (c) a person in charge of a body that receives funding from the Secretary under a State contract to provide parenting assessment and skills development services;
- (d) a person in charge of a body that receives funding from the Secretary under a State contract to provide sexual assault support services;
- (e) a person in charge of a body that receives funding from the Secretary under a State contract to provide placement support services to children in out of home care.

7 Prescribed service agencies

For the purposes of paragraph (f) of the definition of *service agency* in section 3 of the Act, a prescribed body or a body in a prescribed class is—

- (a) a body that receives funding from the Secretary under a State contract to provide family violence services;
- (b) a municipal council that is not registered as a community service but is established to provide services to meet the needs of children requiring care, support, protection or accommodation and of families requiring support;
- (c) a body that receives funding from the Secretary under a State contract to provide parenting assessment and skills development services;
- (d) a body that receives funding from the Secretary under a State contract to provide sexual assault support services;
- (e) a body that receives funding from the Secretary under a State contract to provide placement support services to children in out of home care.

8 Notice of proposal to appoint an administrator

For the purposes of section 67(2)(a) of the Act, the prescribed form of notice is set out in Form 1 of Schedule 2.

9 Foster carers

For the purposes of section 75(1) of the Act the prescribed matters that an out of home care service must have regard to before approving a person to act as a foster carer for the service are—

- (a) any criminal records and criminal history of the person;
- (b) the medical history of the person, including psychiatric health;
- (c) the capacity of the person to provide stability for a foster child;
- (d) the capacity of the person to promote and protect a child's safety, wellbeing and development;
- (e) the capacity of the person to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
- (f) the capacity of the person to develop a positive relationship and to work collaboratively with a foster child's family;
- (g) the capacity of the person to develop a positive relationship and to work collaboratively with child protection services, registered out of home care services and professional providers of services to children;
- (h) the person's general character;
- (i) the person's relationship with family members and household members;
- (j) any criminal records and the criminal history of other usual members of the person's household (if any).

10 Matters to be regarded before employing or engaging carers

For the purposes of section 76(1) of the Act the prescribed matters that an out of home care service must have regard to before employing or engaging a person to act as a carer are—

- (a) the person's criminal records and criminal history (if any);
- (b) the person's medical, including psychiatric, health;
- (c) the person's skills, experience and qualifications;
- (d) the person's capacity to provide stability for a child;
- (e) the person's capacity to promote and protect a child's safety, wellbeing and development;
- (f) the person's capacity to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
- (g) the person's capacity to develop a positive relationship with a child;
- (h) the person's capacity to develop positive relationships and work collaboratively with a child's family;
- (i) the person's capacity to develop a positive relationship and work collaboratively with child protection services, community services and professional providers of services to children;
- (j) the person's general character.

11 Information on the register of out of home carers

For the purposes of section 80(2)(g) of the Act, the prescribed information is—

- (a) whether the out of home carer is an aboriginal person;
- (b) gender.

12 Prescribed forms for matters before Suitability Panel

- (1) For the purposes of section 96(2)(a) of the Act, a notice of referral is in the prescribed form if it is in the form of Form 2 in Schedule 2.
- (2) For the purposes of section 104(2)(a) of the Act, a notice of hearing is in the prescribed form if it is in the form of Form 3 in Schedule 2.
- (3) For the purposes of section 110(2) of the Act, an application is in the prescribed form if it is in the form of Form 4 in Schedule 2.
- (4) For the purposes of section 111(2)(a) of the Act, a notice of hearing is in the prescribed form if it is in the form of Form 5 in Schedule 2.

13 Prescribed matters for the approval of a person as a suitable person

For the purposes of section 148(3) of the Act, the prescribed matters are—

- (a) any criminal records and criminal history of the person;
- (b) the previous history of the person as a carer of children;
- (c) the capacity of the person to promote and protect child safety, wellbeing and development;
- (d) any criminal records and criminal history of the usual members of the person's household.

14 Prescribed class of employees for the purposes of compulsory disclosure

For the purposes of section 194(1) of the Act, employees of the Department of Human Services who are classified at—

- (a) executive (Level 1, Level 2 and Level 3);
- (b) child protection worker Grade 5 and 6 (inclusive)—

are in a prescribed class of employees.

15 Information relating to the placing of children in emergency care

For the purposes of sections 242(1) and 247A(1) of the Act, the prescribed information is—

- (a) the name, work address, work telephone number and position title of the protective intervener;
- (b) that the child is being placed in emergency care under section 241 or 247A of the Act, as the case requires;
- (c) the name and telephone number of a person who can advise of the child's wellbeing while in emergency care;
- (d) the time, date and location of the Court hearing under section 242(2) or 247A(2) of the Act or hearing before a bail justice under section 242(3) or 247A(3) of the Act;
- (e) the address and telephone number of Victoria Legal Aid.

Reg. 15
(Heading)
amended by
S.R. No.
140/2013
reg. 5(1).

Reg. 15
amended by
S.R. No.
140/2013
reg. 5(2).

Reg. 15(b)
substituted by
S.R. No.
140/2013
reg. 5(3).

Reg. 15(c)
amended by
S.R. No.
140/2013
reg. 5(4).

Reg. 15(d)
amended by
S.R. No.
140/2013
reg. 5(5).

16 Prescribed criteria for a report on the suitability of a person in respect of an interim accommodation order

For the purposes of section 263(6) of the Act, the prescribed criteria that the Secretary must have regard to in preparing a report on the suitability of a person for the purposes of placing the child with that person are—

- (a) any criminal records and criminal history of the person;
- (b) the previous history of the person as a carer of children;
- (c) the capacity of the person to promote a child's safety, wellbeing and development;
- (d) any criminal records and criminal history of the usual members of the person's household.

17 Notice of direction given by the Secretary

For the purposes of section 282(2) and section 285(2) of the Act, the notice of direction is in the prescribed form if it is in the form of Form 6 in Schedule 2.

18 Matters to be considered by a Court in making a permanent care order

For the purposes of section 319(1)(c)(i) of the Act, the prescribed matters are—

- (a) the health, including medical and psychiatric health, of the person or persons;
- (b) the skills and experience of the person or persons;
- (c) the capacity of the person or persons to provide stability for a child for the duration of the permanent care order;

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- (d) the capacity of the person or persons to promote and protect a child's safety, wellbeing and development for the duration of the permanent care order;
 - (e) the capacity of the person or persons to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
 - (f) the person or person's appreciation of the importance of—
 - (i) contact with a child's birth parent and family; and
 - (ii) exchange of information about the child with the child's birth parent and family;
 - (g) the person or person's general character including any criminal history;
 - (h) the person or person's relationship with other household and family members and the criminal records and history of the household members (if any).
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Pt 2A
(Heading and
regs 18A–
18D)
inserted by
S.R. No.
91/2014 reg. 5.

PART 2A—SECURE WELFARE SERVICES

Reg. 18A
inserted by
S.R. No.
91/2014 reg. 5.

18A Article or thing not allowed in secure welfare services

For the purposes of section 72F(2)(a)(v) of the Act, lighters, matches, cigarettes and other tobacco products and unauthorised electronic equipment are things not allowed in secure welfare services.

Reg. 18B
inserted by
S.R. No.
91/2014 reg. 5.

18B Prescribed requirements for conducting searches

- (1) For the purposes of section 72F(3)(c) of the Act, the prescribed requirements are that a staff member carrying out a search must—
 - (a) ensure that the search is not conducted by more staff members than reasonably necessary to ensure the safety of the staff members and the person being searched; and
 - (b) in the case of an unclothed search—
 - (i) conduct the search in a private place or an area that provides reasonable privacy for the child resident being searched; and
 - (ii) subject to section 72D(3) of the Act, not touch the child resident's body; and
 - (iii) allow the child resident to dress in private immediately after the search is finished; and
 - (iv) if an item of clothing is seized from a child resident during a search, provide

-
- the child resident with appropriate clothing to wear; and
- (v) enter information in a register in accordance with subregulation (2).
- (2) The staff member in charge must establish and maintain a register that includes the following information in relation to each unclothed search carried out—
- (a) the name of the child resident who is subjected to the unclothed search;
 - (b) the name and position of the person who caused the unclothed search to be conducted;
 - (c) the reason for the unclothed search;
 - (d) the date and time the unclothed search was conducted;
 - (e) the name and gender of all staff members present at any time during the unclothed search;
 - (f) details of any article or thing seized during the unclothed search.

18C Prescribed requirements for seizure register

- (1) For the purposes of section 72I(2) of the Act, the prescribed information to be entered in the seizure register is—
- (a) the name of the person from whom the article or thing was seized (if known); and
 - (b) the date and time of the seizure; and
 - (c) a description of the article or thing seized; and
 - (d) details of the discovery of the article or thing; and

Reg. 18C
inserted by
S.R. No.
91/2014 reg. 5.

r. 18D

- (e) the name and signature of the staff member who seized the article or thing; and
 - (f) details of the manner in which the article or thing was dealt with.
- (2) For the purposes of section 72N(2) of the Act, the prescribed details to be recorded in the seizure register are—
- (a) the date, time and manner of disposal; and
 - (b) the name and position of the person who endorsed the disposal under section 72M(c)(i); and
 - (c) the names and signatures of the staff members carrying out the disposal.

Reg. 18D
inserted by
S.R. No.
91/2014 reg. 5.

18D Particulars of use of seclusion to be recorded in register

For the purposes of section 72P(6) of the Act, the prescribed particulars to be recorded are—

- (a) the name of the child resident secluded; and
- (b) the time and date seclusion commenced; and
- (c) the reason why the child resident was secluded; and
- (d) the name and position of the person who authorised the seclusion; and
- (e) the frequency of staff supervision and observation; and
- (f) the time and date of release from seclusion.

PART 3—CORRECTIVE SERVICES

19 Remand in custody and placement of child—prescribed regions

- (1) For the purposes of section 346(4)(b) and section 347 of the Act, the municipal districts of the councils referred to in Schedule 3 are prescribed regions of the State.
- (2) For the purposes of section 347(1) of the Act, in a prescribed region, a child may by order be placed in a police gaol if the period of remand is not more than 2 working days.

20 Youth supervision orders—prescribed regions

For the purposes of section 387(2)(a) of the Act, the prescribed region is the whole of the State.

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Reg. 21
revoked by
S.R. No.
159/2009
reg. 5.

* * * * *

Reg. 22
revoked by
S.R. No.
159/2009
reg. 6.

* * * * *

Reg. 23
revoked by
S.R. No.
159/2009
reg. 7.

24 Notice of suspension of service of youth supervision order

For the purposes of section 390(1) of the Act, the prescribed form of notice is Form 9 in Schedule 4.

25 Notice of required attendance at a youth justice unit

For the purposes of section 402(2) of the Act, the prescribed form of notice is Form 10 in Schedule 4.

26 Notice of suspension of service of youth attendance order

For the purposes of section 403(1) of the Act, the prescribed form of notice is Form 11 in Schedule 4.

27 Prescribed forms for warrants

Reg. 27(1) revoked by S.R. No. 159/2009 reg. 8(1).	*	*	*	*	*
Reg. 27(2) revoked by S.R. No. 159/2009 reg. 8(2).	*	*	*	*	*
Reg. 27(3) revoked by S.R. No. 159/2009 reg. 8(3).	*	*	*	*	*
Reg. 27(4) revoked by S.R. No. 159/2009 reg. 8(4).	*	*	*	*	*

(5) A warrant for the purposes of sections 456(5) and 460(5) of the Act must be in the form of Form 16 in Schedule 4.

PART 4—YOUTH PAROLE

28 Period within which the Youth Residential Board and Youth Parole Board must submit their annual reports

For the purposes of sections 441(1) and 452(1) of the Act, the prescribed period is 1 July to 31 October each year.

29 Terms and conditions of a youth parole order

For the purposes of sections 454(4) and 458(4) of the Act, the prescribed terms and conditions are—

- (a) the parolee must not break any law;
 - (b) the parolee must be supervised by a parole officer;
 - (c) the parolee must obey any lawful instructions of his or her parole officer;
 - (d) the parolee must report as and when reasonably directed by his or her parole officer;
 - (e) the parolee may be interviewed by his or her parole officer at any reasonable time and place that the parole officer directs;
 - (f) the parolee must advise his or her parole officer within 2 days after the change if the parolee changes his or her address;
 - (g) the parolee must not leave Victoria without the written permission of his or her parole officer;
 - (h) the parole officer of the parolee must not unreasonably withhold any written permission under paragraph (g).
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PART 5—MISCELLANEOUS

Reg. 30
substituted by
S.R. No.
152/2011
reg. 5.

30 Approved dogs

For the purposes of the definition of *approved dog* in section 482A of the Act, a dog is an approved dog if it has completed a training programme approved by the Secretary or the Secretary to the Department of Justice in the previous 12 months.

31 Particulars of use of isolation to be recorded in register

For the purposes of section 488(6) of the Act, the prescribed particulars are—

- (a) name of the person isolated;
- (b) the time and date isolation commenced;
- (c) the reason why the person was isolated;
- (d) the authorising officer's name and position;
- (e) the frequency of staff supervision and observation;

Reg. 31(e)
substituted by
S.R. No.
91/2014
reg. 6(1).

Reg. 31(f)
revoked by
S.R. No.
91/2014
reg. 6(2).

* * * * *

- (g) the time and date of release from isolation.

Reg. 32
substituted by
S.R. No.
152/2011
reg. 6,
amended by
S.R. No.
91/2014 reg. 7.

32 Article or thing not allowed in youth justice facilities

For the purposes of section 488AD(3)(a)(v) of the Act, lighters, matches, cigarettes and other tobacco products and unauthorised electronic equipment are things not allowed.

Reg. 32A
inserted by
S.R. No.
152/2011
reg. 6.

32A Prescribed requirements for conducting searches

- (1) For the purposes of section 488AD(6)(c) of the Act, the prescribed requirements are that an officer carrying out a search must—

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- (a) ensure that the search is not conducted by more officers than reasonably necessary to ensure the safety of the officers and the person being searched; and
- (b) in the case of a unclothed search—
- (i) conduct the search in a private place or an area that provides reasonable privacy for the detainee being searched; and
 - (ii) subject to section 488AC(3) of the Act, not touch the detainee's body; and
 - (iii) allow the detainee to dress in private immediately after the search is finished; and
 - (iv) if an item of clothing is seized from a detainee, provide the detainee with appropriate clothing to wear; and
 - (v) enter information in a register in accordance with subregulation (2).
- (2) The officer in charge must establish and maintain a register that includes the following information in relation to each unclothed search carried out—
- (a) the name of the detainee who is subjected to the unclothed search; and
 - (b) the name of the officer in charge or person authorised by the officer in charge who caused the unclothed search to be conducted; and
 - (c) the reason for the unclothed search; and

Reg. 32A(1)(b)
amended by
S.R. No.
91/2014 reg. 8.

Reg. 32A(2)
amended by
S.R. No.
91/2014 reg. 8.

Reg. 32A(2)(a)
amended by
S.R. No.
91/2014 reg. 8.

Reg. 32A(2)(b)
amended by
S.R. No.
91/2014 reg. 8.

Reg. 32A(2)(c)
amended by
S.R. No.
91/2014 reg. 8.

r. 32B

Reg. 32A(2)(d)
amended by
S.R. No.
91/2014 reg. 8.

(d) the date and time the unclothed search was conducted; and

Reg. 32A(2)(e)
amended by
S.R. No.
91/2014 reg. 8.

(e) the name and gender of all officers present at any time during the unclothed search; and

Reg. 32A(2)(f)
amended by
S.R. No.
91/2014 reg. 8.

(f) details of any article or thing seized during the unclothed search.

Reg. 32B
inserted by
S.R. No.
152/2011
reg. 6.

32B Prescribed requirements for seizure register

(1) For the purposes of section 488F(2) of the Act, the prescribed information to be entered in the seizure register is—

(a) the name of the person from whom the article or thing was seized (if known); and

(b) the date and time of the seizure; and

(c) a description of the article or thing seized; and

(d) details of the discovery of the article or thing; and

(e) the name and signature of the officer who seized the article or thing; and

(f) details of the manner in which the article or thing was dealt with.

(2) For the purposes of section 488GD(2) of the Act, the prescribed details to be recorded in the seizure register are—

(a) the date, time and manner of disposal; and

(b) the name and position of the officer in charge or person authorised by the officer in charge in respect of the disposal; and

- (c) the names and signatures of the officers carrying out the disposal.

33 Article or thing not allowed in centres or units

For the purposes of section 501(1)(b) of the Act, money is a thing not allowed.

34 Remission of sentences

- (1) If a person undergoing detention in a youth residential centre or youth justice centre either—
- (a) is determined by the Youth Residential Board to be ineligible for parole from a youth residential centre; or
 - (b) is determined by the Youth Parole Board to be ineligible for parole from a youth justice centre—

that person, subject to his or her satisfactory behaviour in custody at the centre, is eligible for remission of his or her period of detention.

- (2) A period of remission under subregulation (1) must not exceed one-third of the period of detention imposed by the Court.

34A Oath or affirmation of office

- (1) For the purposes of section 542EA(1) of the Act, the prescribed form of an oath or affirmation of office for a judicial registrar is set out in Schedule 5.
- (2) An oath or affirmation of office for a judicial registrar must be administered by the President or the Chief Magistrate.

Reg. 34A
inserted by
S.R. No.
160/2014
reg. 5.

35 Supply of information by registrars and police

For the purposes of section 544(2) of the Act, the prescribed manner of supplying information to the Secretary or a youth justice officer nominated by the Secretary is—

- (a) personal service; or
- (b) e-mail; or
- (c) fax; or
- (d) orally; or
- (e) post.

36 Specified agencies under section 582

For the purposes of section 582 of the Act, a person or body listed in Schedule 2 to the Infringements (General) Regulations 2006¹ is a specified agency.

37 Enforcement agencies

For the purposes of paragraph (c) of the definition of *enforcement agency* in clause 2 of Schedule 3 to the Act, a person or body or class of person or body described in Schedule 1 to the Infringements (General) Regulations 2006 is a prescribed person or body or class of person or body (as the case requires).

38 Infringement notice

For the purposes of the definition of *infringement notice* in clause 2 of Schedule 3 to the Act, the following provisions are prescribed—

- (a) the provisions specified in Schedule 3 and Schedule 4 to the Infringements (General) Regulations 2006;
- (b) a provision which is deemed under section 207 of the **Infringements Act 2006** to be a lodgeable infringement offence within the meaning of that Act.

Reg. 38(a)
amended by
S.R. No.
35/2012 reg. 4.

Note

See regulation 1203 of the Magistrates' Court General Regulations 2000 as in force immediately before its revocation.

39 Minimum registrable amount

The amount specified for the purposes of clause 4(3) of Schedule 3 to the Act is \$10.00.

40 CAYPINS forms

- (1) For the purposes of clause 3(1)(a) of Schedule 3 to the Act, a document must be in the form of and contain the details required by Form 1 of Schedule 6.
 - (2) For the purposes of clause 3(1)(b) of Schedule 3 to the Act, a certificate must be in Form 2 of Schedule 6.
 - (3) For the purposes of clause 5(1) of Schedule 3 to the Act, a notice must be in Form 3 of Schedule 6.
 - (4) For the purposes of clause 6(4) of Schedule 3 to the Act, application to the registrar must be in the form of Form 4 of Schedule 6.
 - (5) For the purposes of clause 9(1) of Schedule 3 to the Act, a notice of enforcement order must be in the form of Form 5 of Schedule 6.
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Children, Youth and Families Regulations 2007
S.R. No. 21/2007

Sch. 1

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
88/2001	Children and Young Persons (Children's Court) Regulations 2001
89/2001	Children and Young Persons (General) Regulations 2001
139/2005	Children and Young Persons (Children's Court) (Amendment) Regulations 2005
119/2006	Children and Young Persons (Children's Court) (Amendment) Regulations 2006

SCHEDULE 2

FORMS

CHILD AND FAMILY SERVICES

Regulation 8

Children, Youth and Families Act 2005

(Section 67(2)(a))

FORM 1

NOTICE OF PROPOSAL TO APPOINT AN ADMINISTRATOR

To— *(insert name of registered community service)*

of— *(insert full address of registered community service)*

I give notice of the proposal that the registered community service named in this notice should be administered by an administrator by way of an appointment by the Governor in Council under section 68 of the **Children, Youth and Families Act 2005**.

Date—

(Signature)

*Minister for Community Services

*Minister for Children

* Delete if not applicable

FORM 2

Regulation 12(1)

Children, Youth and Families Act 2005

(Section 96(2)(a))

NOTICE OF REFERRAL TO SUITABILITY PANEL

To the Chairperson

Notice is given of a referral to the Suitability Panel of a matter under Division 4 of Part 3.4 of the **Children, Youth and Families Act 2005** (*the Act*).

Decision of the Secretary in relation to the report of the investigation—

(Set out decision of Secretary)

Reasons for that decision—

(Set out reasons for decision)

A copy of the report of the investigation is attached.

(Attach copy of report)

Name and contact details of relevant officer at the Department of Human Services—

FORM 3

Regulation 12(2)

Children, Youth and Families Act 2005

(Section 104(2)(a))

NOTICE TO PERSON OF HEARING BY SUITABILITY PANEL

To— *(insert name of person)*

By Notice dated [*date of notice of referral to Suitability Panel*] a matter under Division 4 of Part 3.4 of the **Children, Youth and Families Act 2005** (*the Act*) was referred to the Suitability Panel to conduct a hearing.

Time and Place of the Hearing

Date—

Time—

Place—

Allegation

The following allegation was referred to the Suitability Panel by the Secretary to the Department of Human Services—

[*set out allegation*]

Notice given by the Secretary

A copy of the notice of referral to the Suitability Panel given by the Secretary under section 96 of the Act, accompanies this notice in accordance with section 104(2)(h) of the Act.

Nature of hearing

The Suitability Panel will conduct the hearing and determine the matter. The Panel will be constituted by the Chairperson and two other members.

Subject to Part 3.4 of the Act and the Children, Youth and Families Regulations 2007, the procedure of the Panel is in its discretion. The proceedings of the Panel must be conducted with as little formality and technicality as the requirements of Part 3.4 of the Act and the proper consideration of the matter permit. The Panel is not bound by the rules of evidence.

The Panel is bound by the rules of natural justice.

Sch. 2

You are entitled to be present, to make submissions and to be legally represented.

The Secretary is entitled to be present, to make submissions and to be legally represented.

The hearing will not be open to the public.

Findings that can be made by the Suitability Panel

The Suitability Panel can find that you have or have not on the balance of probabilities, physically or sexually abused the child.

If the Suitability Panel finds that you have physically or sexually abused the child, the Panel must make a finding of misconduct against you.

If the Suitability Panel determines that the allegation is not proved, the Panel must state that fact and that no finding of misconduct has been made against you

If the Suitability Panel makes a finding of misconduct against you, the Panel must determine on the balance of probabilities whether or not you pose an unacceptable risk of harm to children.

If the Suitability Panel finds that you pose an unacceptable risk of harm to children, the Panel must find that you should be disqualified from registration. This finding results in disqualification under Part 3.4 of the Act.

If the Suitability Panel finds that you do not pose an unacceptable risk of harm to children, the Panel must state that fact and that no finding of disqualification has been made against you.

Right to review the finding or determination of the Suitability Panel

If you disagree with a finding or the determination of the Suitability Panel, you may request a review by the Victorian Civil and Administrative Tribunal.

An application to the Victorian Civil and Administrative Tribunal must be made within 28 days after the day on which you are given notice of the Suitability Panel's decision, or if you have requested a statement of reasons for the finding—

- (a) within 28 days after the day on which you are given a statement of reasons; or
- (b) you are informed that a statement of reasons will not be given.

Children, Youth and Families Regulations 2007
S.R. No. 21/2007

Sch. 2

[Name]

Executive Officer
Suitability Panel

Date—

Sch. 2

FORM 4

Regulation 12(3)

Children, Youth and Families Act 2005

(Section 110(2))

**APPLICATION TO SUITABILITY PANEL FOR REMOVAL OF
DISQUALIFICATION**

Details of Applicant—

Title—

Full name—

Residential Address—

Postal Address (*if different*)—

Gender (*Male/*Female)—

Date of Birth—

Telephone—is a text telephone required? *Yes/*No

Interpreter required— *Yes/*No (*if yes, please specify the language*)

Date you were disqualified by the Suitability Panel—

The following three sections must be completed by the applicant—

State the reasons why you believe your disqualification should be removed—

Set out how your circumstances have changed since you were disqualified
and why you no longer pose an unacceptable risk of harm to children—

If this application is being made before the end of the 12 month period since
you were disqualified, please explain the exceptional circumstances.

Attach photocopies of any documents or references in support of your
application (*e.g. medical reports, counselling reports, employment history*).

Signature—

Date—

* Delete if not applicable

FORM 5

Regulation 12(4)

Children, Youth and Families Act 2005

(Section 111(2))

**NOTICE TO PARTIES OF HEARING BY SUITABILITY PANEL OF
APPLICATION FOR REMOVAL OF DISQUALIFICATION**

To— The Applicant
The Secretary

An application dated [*insert date*] under section 110(2) of the **Children, Youth and Families Act 2005 (*the Act*)** was made to the Suitability Panel to remove the disqualification from registration of the applicant, a disqualified person.

Time and Place of the Hearing

Date—

Time—

Place—

*The information accompanying this notice as required by section 111(2)(h) of the Act is a copy of the application for review of disqualification.

Nature of hearing

The Suitability Panel will conduct the hearing and determine the matter. The Panel will be constituted by the Chairperson and two other members.

The procedure of the Panel is in its discretion and is conducted with as little formality and technicality as the requirements of Part 3.4 of the (*insert Act name*) permits.

The Panel is not bound by the rules of evidence.

The Panel is bound by the rules of natural justice.

The applicant and the Secretary are parties to the hearing. The parties are entitled to be present, to make submissions and to be legally represented.

The hearing will not be open to the public.

Sch. 2

Findings that can be made by the Suitability Panel

The Suitability Panel must determine on the balance of probabilities, whether the applicant should continue to be disqualified or have the disqualification removed.

If the Suitability Panel finds that the applicant's disqualification from registration should be removed, the applicant will no longer be disqualified under Part 3.4 of the Act.

Right to Review the Determination of the Suitability Panel

If either of the parties disagrees with a finding or the determination of the Suitability Panel, they may request review by the Victorian Civil and Administrative Tribunal. An application to the Victorian Civil and Administrative Tribunal must be made within 28 days after the day on which the party is given notice of the Suitability Panel's decision, or if the party has requested a statement of reasons for the finding—

- (a) within 28 days after the day on which the party receives a statement of reasons; or
- (b) the party is informed that a statement of reasons will not be given.

[Name]

Executive Officer
Suitability Panel

Date—

* Delete if not applicable.

FORM 6

Regulation 17

Children, Youth and Families Act 2005

(Sections 282(2), 285(2))

NOTICE OF DIRECTION

I, (*insert name of Secretary*), Secretary to the Department of Human Services, in consideration of the best interests of (*insert name of child*) direct under section *282(2)/*285(2) of the **Children, Youth and Families Act 2005**—

(*name of child or parent of the child or person with whom the child is living*)

to— (*insert direction*)

Signature of Secretary

Date—

* Delete if not applicable

SCHEDULE 3

Regulation 19(1)

Children, Youth and Families Act 2005

(Sections 346(4)(b) and 347(1))

PRESCRIBED REGIONS OF THE STATE

Alpine Shire Council	Loddon Shire Council
Ararat Rural City Council	Macedon Ranges Shire Council
Ballarat City Council	Mansfield Shire Council
Bass Coast Shire Council	Mildura Rural City Council
Baw Baw Shire Council	Mitchell Shire Council
Benalla Rural City Council	Moira Shire Council
Borough of Queenscliffe	Moorabool Shire Council
Buloke Shire Council	Mount Alexander Shire Council
Campaspe Shire Council	Moyne Shire Council
Central Goldfields Shire Council	Murrindindi Shire Council
Colac–Otway Shire Council	Northern Grampians Shire Council
Corangamite Shire Council	Pyrenees Shire Council
East Gippsland Shire Council	South Gippsland Shire Council
Gannawarra Shire Council	Southern Grampians Shire Council
Glenelg Shire Council	Strathbogie Shire Council
Golden Plains Shire Council	Surf Coast Shire Council
Greater Bendigo City Council	Swan Hill Rural City Council
Greater Geelong City Council	Towong Shire Council
Greater Shepparton City Council	Wangaratta Rural City Council
Hepburn Shire Council	Warrnambool City Council
Hindmarsh Shire Council	Wellington Shire Council
Horsham Rural City Council	West Wimmera Shire Council
Indigo Shire Council	Wodonga City Council
Latrobe City Council	Yarriambiack Shire Council

SCHEDULE 4

**FORMS TO BE USED IN THE CRIMINAL DIVISION OF THE
CHILDREN'S COURT**

* * * * *

Sch. 4
Forms 1-8
revoked by
S.R. No.
159/2009
reg. 9(a).

Sch. 4

FORM 9

Regulation 24

Children, Youth and Families Act 2005

(Section 390(1))

**NOTICE OF SUSPENSION OF SERVICE OF YOUTH SUPERVISION
ORDER**

To *(name)*

of *(address)*

On *(insert date of sentencing)*, at the *(insert name and address of court)*, you were placed on a youth supervision order for a period of *(insert number)* weeks.

A special condition of this order is that—

(insert condition if any)

Since you are currently in custody in *(insert name of prison/remand centre/youth justice centre/youth residential centre)* the service of your youth supervision order has been suspended under section 390 of the **Children, Youth and Families Act 2005**.

Your order is due to recommence on *(insert date and time)* when you must report to *(insert name of relevant manager or responsible officer, including address and telephone number)*

Your order is now due to be completed on *(insert date)*

Name and Signature of Secretary *(Signature)*

(Name)

Date—

FORM 10

Regulation 25

Children, Youth and Families Act 2005

(Section 402(2))

**NOTICE OF REQUIRED ATTENDANCE AT A YOUTH JUSTICE
UNIT**

To *(insert full name of person)*

of *(insert full address of person)*

You are required to attend the *(insert name)* Youth Justice Unit at *(insert address and telephone number)* for *(insert number of hours)*

from *a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*

each *(insert day of the week)*

for *(insert number of hours)*

from *a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*

each *(insert day of the week)*

for *(insert number of hours)*

from *a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*

each *(insert day of the week)*

for a total of *(insert number of hours per week—maximum of 10 hours)*

commencing on *(insert date)*

Date—

Name and signature of relevant manager or responsible officer—

(Signature)

(Name)

Sch. 4

FORM 11

Regulation 26

Children, Youth and Families Act 2005

(Section 403(1))

**NOTICE OF SUSPENSION OF SERVICE OF YOUTH
ATTENDANCE ORDER**

To *(insert full name of person)*

of *(insert address of person)*

On *(insert date of sentencing)*, at the *(insert name and address of court)*, you were placed on a youth attendance order for a period of *(insert number)* weeks at *(insert name of youth justice unit)*.

A special condition of this order is that—

(insert condition if any)

Since you are currently in custody in *(insert name of prison/remand centre/youth justice centre/youth residential centre)* the service of your youth attendance order has been suspended under section 403 of the **Children, Youth and Families Act 2005**.

Your order is due to recommence on *(insert date and time)* when you must report to *(insert name of relevant manager or responsible officer, including address and telephone number)*

Your order is now due to be completed on *(insert date)*

Name and Signature of Secretary *(Signature)*

(Name)

Date—

* * * * *

Sch. 4
Forms 12–15
revoked by
S.R. No.
159/2009
reg. 9(b).

FORM 16

Regulation 27(5)

Children, Youth and Families Act 2005

(Sections 456(5) and 460(5))

Sch. 4
Form 16
amended by
S.R. No.
159/2009
reg. 9(c).

**WARRANT FOR APPREHENSION AND RETURN TO *YOUTH
RESIDENTIAL CENTRE/*YOUTH JUSTICE CENTRE**

To [name of a member of the police force or other officer to be authorised]

Parolee details—

Surname of parolee—

Given names of parolee—

Date of birth—

Convicted of (insert conviction)

The parolee was released on parole on (insert date) by an order of the *Youth Residential Board/*Youth Parole Board dated (insert date). The *Youth Residential Board/*Youth Parole Board on (insert date) cancelled the parole.

You are authorised by this warrant to apprehend and return the parolee to the officer in charge of the *youth residential centre/*youth justice centre at (insert address).

Signed—

(*Secretary to/member of the *Youth Residential Board/*Youth Parole Board)

Date—

* Delete if not applicable

Children, Youth and Families Regulations 2007
S.R. No. 21/2007

Sch. 4

Sch. 4
Forms 17–21
revoked by
S.R. No.
159/2009
reg. 9(d).

* * * * *

SCHEDULE 5

Regulation 34A

OATH OF OFFICE OF JUDICIAL REGISTRAR

I, [*Full name*], swear by Almighty God (or the person may name a god recognised by his or her religion) that, as a judicial registrar of the Children's Court of Victoria, I will at all times and in all things discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour, affection or ill-will.

AFFIRMATION OF OFFICE OF JUDICIAL REGISTRAR

I, [*Full name*], solemnly and sincerely declare and affirm that, as a judicial registrar of the Children's Court of Victoria, I will at all times and in all things discharge the duties of my office according to law and to the best of my knowledge and ability without fear, favour, affection or ill-will.

Sch. 5
revoked by
S.R. No.
152/2011
reg. 7, new
Sch. 5
inserted by
S.R. No.
160/2014
reg. 6.

Sch. 6

SCHEDULE 6

CAYPINS FORMS

FORM 1

Regulation 40(1)

Sch. 6 Form 1
amended by
S.R. Nos
67/2010 reg. 4,
105/2010
reg. 3, 35/2012
reg. 5.

Children, Youth and Families Act 2005

(Schedule 3 clause 3(1)(a))

INFRINGEMENT PENALTY FOR REGISTRATION

[*Name of Enforcement Agency*] seeks to have the infringement penalty, as detailed below, registered.

DETAILS OF CHILD

Surname—

Other Names—

Date of Birth—

Address—

Suburb—

Postcode—

DETAILS OF INFRINGEMENT NOTICE

Description of offence—

*Act/*Statutory Rule/*Local Law/*Subordinate Instrument/*Commonwealth Act or any Act of another State or Territory or any subordinate instrument under such an Act that applies as a law of Victoria/*Code—

Infringement Notice No.—

Time of offence—

Date of offence—

Place of offence—

Date of Issue of Infringement
Notice—

VEHICLE DETAILS (if relevant)

Registration Number—

State of Issue (Registration)—

*Licence/*Permit Number—

Vehicle Class—

State of Issue (*Licence/*Permit)—

ENFORCEMENT AGENCY DETAILS

Title or name of issuing officer—

Enforcement Agency—

Address—

PENALTY/INSTALMENT DETAILS

The original infringement amount was— [*insert amount*]

The amount that has been paid is— [*insert amount*]

The amount to be registered (including \$ [*insert amount*] costs) is— [*insert amount*]

(The amount to be registered consists of the original infringement amount minus any amount previously paid to the Enforcement Agency (whether or not pursuant to a payment plan), plus any prescribed costs.)

***EXTENSION OF TIME DETAILS**

This infringement penalty is to be registered more than 6 months from the date of the offence for the following reason—

*The registrar has cancelled the registration and remitted the infringement notice to the enforcement agency under clause 6(5)(b) or 8(3)(a) of Schedule 3 to the **Children, Youth and Families Act 2005**.

Date of cancellation:

*The Court has cancelled the infringement notice under Part 3 of Schedule 3 to the **Children, Youth and Families Act 2005** and a new infringement notice has been served on the child.

Date of cancellation:

*A person has nominated the child for an offence committed under the **Road Safety Act 1986**, the **Melbourne City Link Act 1995** or the **EastLink Project Act 2004**.

Date on which the infringement notice was served on the child:

*A nomination for an offence committed under the **Road Safety Act 1986**, the **Melbourne City Link Act 1995** or the **EastLink Project Act 2004** was made and has subsequently been cancelled under section 84BF(1) of the **Road Safety Act 1986** so that the liability has reverted to the child.

Date of cancellation:

Sch. 6

*The offence is against section 204 of the **EastLink Project Act 2004** or section 73 of the **Melbourne City Link Act 1995**.

Date of service of infringement notice:

*A payment plan applies to the child in respect of the offence and the child has defaulted on a payment in respect of the offence.

Date of default:

*A payment plan applies to the child in respect of the offence and the child has removed the infringement penalty and any prescribed costs in respect of the infringement offence from the plan.

Date of removal:

*A payment plan applies to the child in respect of the offence and the child has cancelled that plan.

Date of cancellation:

*An infringement notice has been reviewed under Division 3 of Part 2 of the **Infringements Act 2006** and advice of the outcome of the review has been served on the child under section 24(3) of that Act.

Date of service:

* Delete if not applicable.

NOTES—

This form can be replicated for each additional penalty/instalment.

FORM 2

Regulation 40(2)

Children, Youth and Families Act 2005

(Schedule 3 clause 3(1)(b))

Sch. 6 Form 2
amended by
S.R. No.
105/2010
reg. 4.

**CERTIFICATE FOR REGISTRATION OF INFRINGEMENT
PENALTY**

I, [Name], an appropriate officer of [Name of Enforcement Agency] certify that in respect of the child or each child referred to in a document provided under clause 3(1)(a) of Schedule 3 to the **Children, Youth and Families Act 2005** with this certificate, the penalty indicated in the document is the prescribed penalty and the following requirements and any other prescribed requirements have been satisfied—

- (a) an infringement notice has been served on the child; and
- (b) a penalty reminder notice has been served on the child after the end of the time specified in the infringement notice as the time within which the infringement penalty may be paid; and
- (c) a period of at least 28 days has passed since the penalty reminder notice was served; and
- (d) the infringement penalty and any prescribed costs had not been paid, whether in full or in part, before this certificate was issued; and
- (e) if a payment plan under the **Infringements Act 2006** applies to the child in relation to the infringement penalty, the child has defaulted in making a payment under the payment plan and a specified amount still remains to be paid under that payment plan; and
- (f) if a part payment of the infringement penalty and prescribed costs has been made (otherwise than under a payment plan under the **Infringements Act 2006**) but no further payment has been made and a specified amount still remains to be paid; and
- (g) the child has not, under Part 2 of the **Infringements Act 2006** elected to have the matter of the infringement offence heard and determined in the Court; and
- (h) a charge in relation to the offence has not been filed; and
- (i) a charge may still be filed in relation to the offence; and

Sch. 6

- (j) if the infringement notice was served under section 87 of the **Road Safety Act 1986**, the child was at the time of the alleged offence—
 - (i) the owner of the vehicle within the meaning of Part 7 of that Act; or
 - (ii) the person in charge of the vehicle as shown in a statement or declaration supplied in accordance with section 86(3)(a), 86(3)(aab) or 86(3)(ab) of that Act; and
- (k) if the infringement notice was issued in respect of an offence to which section 66 of the **Road Safety Act 1986** applies, the child was at the time of the alleged offence—
 - (i) the owner of the motor vehicle within the meaning of section 66 of that Act; or
 - (ii) the driver of the motor vehicle as shown in a statement or declaration supplied in accordance with section 66(3)(a), 66(3)(aab) or 66(3)(ab) of that Act; and
- (l) if the infringement notice was issued in respect of an offence against section 73(1) of the **Melbourne City Link Act 1995**, the child was at the time of the alleged offence—
 - (i) the owner of the vehicle within the meaning of Part 4 of that Act; or
 - (ii) the driver of the vehicle as shown in a statement or declaration supplied in accordance with section 87(3)(a), 87(3)(aab) or 87(3)(ab) of that Act; and
- (m) if the infringement notice was issued in respect of an offence under section 204 of the **EastLink Project Act 2004**, the child was at the time of the trip to which the alleged offence relates—
 - (i) the owner of the vehicle within the meaning of that Act; or
 - (ii) the driver of the vehicle as shown in a statement supplied under section 199 or 219 of that Act.

Signed on behalf of the Enforcement Agency by—

Appropriate Officer—

Print Name—

Date—

* Delete if not applicable.

FORM 3

Regulation 40(3)

Children, Youth and Families Act 2005

(Schedule 3 clause 5(1))

**CANCELLATION OF REGISTRATION OF AN INFRINGEMENT
PENALTY**

Infringement No.—

Date—

Enforcement agency—

Child's name—

Address—

To the Registrar of the Children's Court at [venue]

The enforcement agency in this matter requests that you cancel the registration of the infringement penalty identified by this form.

Signed on behalf of the
enforcement agency by—

Name—

Date—

FORM 4

Regulation 40(4)

Children, Youth and Families Act 2005

(Schedule 3 clause 6(4))

**APPLICATION FOR ORDER THAT PAYMENT OF REGISTERED
AMOUNT NOT BE ENFORCED**

Registration No.—

Date of registration—

Child's name—

Date of birth—

Address—

Description of offence—

Place of offence—

Date of offence—

Enforcement agency—

Registered amount— \$

I, [*name of child*], apply to the Registrar of the Children's Court of Victoria for an order that payment of the above registered amount not be enforced.

* Details of my employment, school attendance and personal and financial circumstances are as follows—

OR

* I have already provided details in writing to the Registrar of my employment, school attendance and personal and financial circumstances.

I am aware that a copy of this application together with any information provided under clause 6(3) of Schedule 3 to the **Children, Youth and Families Act 2005** will be provided to the enforcement agency that issued the infringement notice if an order is made that payment of the above registered amount not be enforced.

Children, Youth and Families Regulations 2007
S.R. No. 21/2007

Sch. 6

Signed—

Name—

Date—

* Delete if not applicable.

Sch. 6

Sch. 6 Form 5
amended by
S.R. No.
35/2012 reg. 6.

FORM 5

Regulation 40(5)

Children, Youth and Families Act 2005

(Schedule 3 clause 9(1))

NOTICE OF ENFORCEMENT ORDER

COURT REFERENCE NUMBER—

DATE OF REGISTRATION—

DETAILS OF CHILD

Surname— Other Names—

Date of Birth—

Address—

Suburb— Postcode—

DETAILS OF INFRINGEMENT NOTICE

Description of offence—

*Act/*Statutory Rule/*Local Law/*Subordinate Instrument/
*Commonwealth Act or subordinate instrument that applies as a law of
Victoria/*Code—

Infringement Notice No.—

Time of offence— Date of offence—

Place of offence— Date of Issue of Infringement Notice—

ENFORCEMENT AGENCY DETAILS

Title or name of issuing officer—

Enforcement Agency—

Address—

DETAILS OF ORDER

On [date] , at [venue] the following orders were made—

Dated—

for Registrar

Failure to make the payment required in this order or to make an application to the Registrar (see Notes) may result in further proceedings in the Children's Court.

Methods of payment (*insert details*)

WARNING:

**DO NOT IGNORE THIS NOTICE OR MORE
SERIOUS PENALTIES MAY BE IMPOSED.**

Note:

- (1) You may apply to the registrar of the Children's Court at [*venue*] of one or more of the following—
 - (a) an order that the time within which the registered amount is to be paid be extended; or
 - (b) an order that the registered amount be paid by instalments; or
 - (c) an order for the variation of an instalment order.
- (2) If this order requires you to make any payment, you have 28 days after the date of this notice to apply in writing to the Court for a review of the registrar's order.

ENDNOTES

1. General Information

The Children, Youth and Families Regulations 2007, S.R. No. 21/2007 were made on 17 April 2007 by the Governor in Council under section 600 of the **Children, Youth and Families Act 2005**, No. 96/2005 and came into operation on 23 April 2007: regulation 3.

The Children, Youth and Families Regulations 2007 will sunset 10 years after the day of making on 17 April 2017 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Children, Youth and Families Regulations 2007 by statutory rules, subordinate instruments and Acts.

Children, Youth and Families Amendment Regulations 2009, S.R. No. 159/2009

Date of Making: 8.12.09

Date of Commencement: 1.1.10: reg. 3

Children, Youth and Families Amendment Regulations 2010, S.R. No. 67/2010

Date of Making: 13.7.10

Date of Commencement: 13.7.10: reg. 3

Children, Youth and Families Further Amendment Regulations 2010,
S.R. No. 105/2010

Date of Making: 12.10.10

Date of Commencement: 12.10.10

Children, Youth and Families Amendment Regulations 2011, S.R. No. 152/2011

Date of Making: 13.12.11

Date of Commencement: 19.12.11: reg. 3

Children, Youth and Families Amendment Regulations 2012, S.R. No. 35/2012

Date of Making: 22.5.12

Date of Commencement: 29.5.12: reg. 3

Children, Youth and Families Amendment Regulations 2013, S.R. No. 140/2013

Date of Making: 26.11.13

Date of Commencement: 1.12.13: reg. 3

Children, Youth and Families Amendment Regulations 2014, S.R. No. 91/2014

Date of Making: 1.7.14

Date of Commencement: 1.7.14: reg. 3

Children, Youth and Families Amendment (Judicial Registrar Oath and Affirmation
of Office) Regulations 2014, S.R. No. 160/2014

Date of Making: 14.10.14

Date of Commencement: 10.11.14: reg. 3

Endnotes

3. Explanatory Details

¹ Reg. 36: S.R. No. 76/2006. Reprint No. 2 as at 21 September 2010.
Reprinted to S.R. No. 92/2010. Subsequently amended by S.R. Nos 17/2010,
16/2011, 39/2011, 67/2011 and 135/2011.