

### 3. Terms used in this Act

In this Act, unless the contrary intention appears —

“**Aboriginal person**” means a person who is a descendant of Aboriginal people of Australia, and “**Aboriginal child**” has a corresponding meaning;

“**adult**” means a person who has reached 18 years of age;

“**authorised officer**” means an officer appointed under section 25 for the purposes of this Act or for the purposes of the provision in which the term is used;

“**carer**” means a person who provides care for a child under a placement arrangement;

“**CEO**” means the chief executive officer of the Department;

“**child**” means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age;

“**Court**” means the Children’s Court;

“**Department**” means the department of the Public Service principally assisting the Minister in the administration of this Act;

“**disability**” means a disability —

- (a) that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments;
- (b) that is permanent or likely to be permanent;
- (c) that may or may not be of a chronic or episodic nature; and
- (d) that results in —
  - (i) a substantially reduced capacity of the person for communication, social interaction, learning or mobility; and
  - (ii) a need for continuing support services;

“**first listing date**”, in relation to a protection application, means the day fixed under section 44(4) in respect of the application;

“**harm**”, in relation to a child, includes harm to the child’s physical, emotional or psychological development;

“**in need of protection**” has the meaning given to that term in section 28(2);

“**in the CEO’s care**” has the meaning given to that term in section 30;

“**interim order**”, except in Part 6, means an order made under section 133;

“**magistrate**” means a magistrate of the Court;

“**negotiated placement agreement**” means an agreement under section 75(1);

“**officer**” means a person employed in, or engaged by, the Department whether as a public service officer under the *Public Sector Management Act 1994*, under a contract for services, or otherwise;

“**parent**”, in relation to a child, means a person, other than the CEO, who at law has responsibility for —

- (a) the long-term care, welfare and development of the child; or

- (b) the day-to-day care, welfare and development of the child;
- “parental responsibility”**, in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children;
- “party”**, in relation to protection proceedings, means a person who is a party to the proceedings under section 147;
- “place”** means anywhere at all, and includes anywhere in or on something that is moving or can move;
- “placed”** means placed under a placement arrangement;
- “placement”** means placement under a placement arrangement;
- “placement arrangement”** means an arrangement under section 79(2) for the placement of a child;
- “police officer”** has the meaning given to that term in the *Protective Custody Act 2000* section 3;
- “pre-hearing conference”** means a conference referred to in section 136(1);
- “protection application”** means an application to the Court for a protection order;
- “protection order”** has the meaning given to that term in section 43;
- “protection order (enduring parental responsibility)”** has the meaning given to that term in section 60;
- “protection order (supervision)”** has the meaning given to that term in section 47;
- “protection order (time-limited)”** has the meaning given to that term in section 54;
- “protection order (until 18)”** has the meaning given to that term in section 57;
- “protection proceedings”** means proceedings in respect of, or in connection with, a protection application or other application to the Court under Part 4 (excluding an application under section 65, 73 or 126);
- “provisional protection and care”** has the meaning given to that term in section 29(1);
- “public authority”** means —
- (a) a department of the Public Service;
  - (b) a State agency or instrumentality;
  - (c) a local government or regional local government; or
  - (d) a body, whether corporate or unincorporate, or the holder of an office, post or position, established or continued for a public purpose under a written law;
- “relative”**, in relation to a child, means each of the following people —
- (a) the child’s —
    - (i) parent, grandparent or other ancestor;
    - (ii) step-parent;
    - (iii) sibling;
    - (iv) uncle or aunt;
    - (v) cousin;

- (vi) spouse or de facto partner,  
whether the relationship is established by, or traced through,  
consanguinity, marriage, a de facto relationship, a written law or a  
natural relationship;
- (b) in the case of an Aboriginal child, a person regarded under the  
customary law or tradition of the child’s community as the  
equivalent of a person mentioned in paragraph (a);
- (c) in the case of a Torres Strait Islander child, a person regarded  
under the customary law or tradition of the Torres Strait Islands as  
the equivalent of a person mentioned in paragraph (a);

**“service provider”** means a person or body who or which —

- (a) provides or promotes social services; or
- (b) conducts research and development,  
under an agreement referred to in section 15(1);

**“social services”** means services provided to assist children, other  
individuals, families and communities including, but not limited to, the  
following services —

- (a) preventative services;
- (b) protective services;
- (c) placement services;
- (d) child care services;
- (e) information and advisory services;
- (f) education and training services;
- (g) counselling services;
- (h) therapeutic services;
- (i) advocacy services;
- (j) mediation services;
- (k) crisis services;
- (l) family and domestic violence services;
- (m) support services;

**“Torres Strait Islander”** means a person who is a descendant of the  
indigenous inhabitants of the Torres Strait Islands, and **“Torres Strait  
Islander child”** has a corresponding meaning;

**“wellbeing”** of a child includes the care, development, health and safety of  
the child;

**“working day”**, except in Part 6, means a day other than a Saturday,  
Sunday, public holiday or public service holiday.