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## **COMMUNITY AND CHILD SERVICES**

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CX301\*

Children and Community Services Act 2004

### **Children and Community Services Amendment Regulations 2009**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Children and Community Services Amendment Regulations 2009*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Children and Community Services Regulations 2006*.

**4. Part 4AA inserted**

After regulation 8 insert:

### Part 4AA — Warrants

**9AA. Form of warrant (access)**

A warrant (access) as defined in section 121(1) is to be in the form of Schedule 1 Form 1.

**9AB. Form of warrant (apprehension)**

A warrant (apprehension) as defined in section 122(1) is to be in the form of Schedule 1 Form 2.

**9AC. Form of warrant (provisional protection and care)**

A warrant (provisional protection and care) as defined in section 123(1) is to be in the form of Schedule 1 Form 3.

**5. Schedule 1 inserted**

After regulation 29 insert:

### Schedule 1 — Forms of warrants

[r. 9AA, 9AB and 9AC]

**1. Warrant (access)**

In the Children's Court at		<b>Warrant (access)</b>		
File No.				
<b>To</b>	<b>All authorised officers.</b>			
Details of child	Surname		Date of birth	
	Given names		Gender	
	Address			

Details of applicant	Name				
	Division				
	Address				
	Telephone		Fax		Email
Section	This warrant is issued under section <input type="checkbox"/> 34(3) <input type="checkbox"/> 52(4) <input type="checkbox"/> 135(5)				
<b>Authority and directions</b>	<p><b>This warrant authorises you —</b></p> <p><b>(a) to enter, at any time, any place where you reasonably believe the child to be; and</b></p> <p><b>(b) to search the place for the purpose of finding the child; and</b></p> <p><b>(c) to remain at the place for as long as you consider reasonably necessary to find the child; and</b></p> <p><b>(d) if the child is found, to remain at the place and have access to the child for as long as the officer considers reasonably necessary.</b></p> <p><b>This warrant must be executed in accordance with the <i>Children and Community Services Act 2004</i> section 124.</b></p>				
Issuing details	Name of magistrate				
	Date		Time		
Magistrate's signature	Issued by me on the above date and at the above time.			Court seal	
Execution details	Date		Time		
	Address				
	<input type="checkbox"/> The warrant was executed.				
	<input type="checkbox"/> The warrant could not be executed despite every reasonable effort.				
<input type="checkbox"/> The warrant was not executed after the determination that access was no longer necessary.					
Authorised officer in charge of execution	Name				
	Position				
	Signature				

## 2. Warrant (apprehension)

In the Children's Court at		<b>Warrant (apprehension)</b>		
File No.				
<b>To</b>	<b>All authorised officers.</b> <b>All police officers.</b>			
Details of child	Surname		Date of birth	
	Given names		Gender	
	Address			

Details of applicant	Name					
	Division					
	Address					
	Telephone		Fax		Email	
Section	This warrant is issued under section <input type="checkbox"/> 85(3) <input type="checkbox"/> 86(3)					
Authority and directions	<p><b>This warrant authorises you —</b></p> <p><b>(a) to enter, at any time, any place where you reasonably believe the child to be; and</b></p> <p><b>(b) to search the place for the purpose of finding the child; and</b></p> <p><b>(c) to remain at the place for as long as you consider reasonably necessary to find the child; and</b></p> <p><b>(d) if the child is found, to apprehend the child and —</b></p> <p style="padding-left: 20px;"><b>(i) in the case of a warrant issued under the <i>Children and Community Services Act 2004</i> section 85, to take the child to such place as the CEO directs; or</b></p> <p style="padding-left: 20px;"><b>(ii) in the case of a warrant issued under section 86 of that Act, to take the child to the place referred to in section 86(1) or such other place as the CEO directs.</b></p> <p><b>This warrant must be executed in accordance with the <i>Children and Community Services Act 2004</i> section 124.</b></p>					
Issuing details	Name of magistrate					
	Date		Time			
Magistrate's signature	Issued by me on the above date and at the above time.			Court seal		
Execution details	Date		Time			
	Address					
	<input type="checkbox"/> The warrant was executed.					
	<input type="checkbox"/> The warrant could not be executed despite every reasonable effort.					
<input type="checkbox"/> The warrant was not executed after the determination that apprehension of the child was no longer necessary.						
Authorised officer in charge of execution	Name					
	Position					
	Signature					

### 3. Warrant (provisional protection and care)

In the Children's Court at	<b>Warrant (provisional protection and care)</b>
File No.	
<b>To</b>	<b>All authorised officers. All police officers.</b>

Details of child	Surname		Date of birth	
	Given names		Gender	
	Address			
Details of applicant	Name			
	Division			
	Address			
	Telephone		Fax	
Section	This warrant is issued under section <input type="checkbox"/> 35(3) <input type="checkbox"/> 133(3)			
<b>Authority and directions</b>	<p><b>This warrant authorises you —</b></p> <p><b>(a) to enter, at any time, any place where you reasonably believe the child to be; and</b></p> <p><b>(b) to search the place for the purpose of finding the child; and</b></p> <p><b>(c) to remain at the place for as long as you consider reasonably necessary to find the child; and</b></p> <p><b>(d) if the child is found, to take the child into provisional protection and care and to such place as the CEO directs.</b></p> <p><b>This warrant must be executed in accordance with the <i>Children and Community Services Act 2004</i> section 124.</b></p>			
Issuing details	Name of magistrate			
	Date		Time	
Magistrate's signature	Issued by me on the above date and at the above time.			Court seal
Execution details	Date		Time	
	Address			
	<input type="checkbox"/> The warrant was executed.			
	<input type="checkbox"/> The warrant could not be executed despite every reasonable effort.			
	<input type="checkbox"/> The warrant was not executed after the determination that taking the child into provisional protection care was no longer necessary.			
Authorised officer in charge of execution	Name			
	Position			
	Signature			

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.