

South Australia

Children's Protection Regulations 2006

under the *Children's Protection Act 1993*

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Legislative history

1—Short title

These regulations may be cited as the *Children's Protection Regulations 2006*.

3—Interpretation

In these regulations—

Act means the *Children's Protection Act 1993*.

4—Aboriginal Child Placement Principle

For the purposes of section 4(5) of the Act, the Aboriginal Child Placement Principle is as follows:

- (a) the fundamental principles contained in section 4 of the Act (the *fundamental principles*) apply to the placement of an Aboriginal child with the additional requirement that in determining a child's best interests under subsection (4) of that section consideration must be given to the child's Aboriginality;
- (b) subject to the fundamental principles, an Aboriginal child who is being placed in alternative care (other than care provided in a detention facility) should be placed with the first in order of priority of the following persons who is available to provide the care:
 - (i) a member of the child's family, as determined by reference to Aboriginal culture;
 - (ii) a member of the child's community who has a relationship of responsibility for the child, as determined by reference to Aboriginal traditional practice or custom;
 - (iii) a member of the child's community, as determined by reference to Aboriginal traditional practice or custom;
 - (iv) a person with the same Aboriginal cultural background as the child;

- (v) a non-Aboriginal person who is able to ensure that the child maintains significant contact with the child's family (as determined by reference to Aboriginal culture), the child's community or communities and the child's culture;
- (c) if the placement of a child in alternative care in accordance with paragraph (b) is objected to by the child on reasonable grounds, the child should be placed with the next available person as determined by the order of priority referred to in paragraph (b).

5—Definition of Department

For the purposes of the definition of *Department* in section 6(1) of the Act, the Department for Families and Communities is prescribed.

6—Powers and obligations of responsible authority in respect of criminal history

- (1) For the purposes of section 8B(1) and (2) of the Act, CrimTrac is a prescribed source.
- (2) For the purposes of section 8B(6)(b) of the Act, the operation of the section is extended to apply to non-Government schools within the meaning of the *Education Act 1972*.
- (3) For the purposes of the definition of *responsible authority* in section 8B(8) of the Act, the following bodies are approved bodies:
 - (a) the Association of Independent Schools of South Australia Incorporated;
 - (b) the Catholic Church Endowment Society Incorporated;
 - (c) the Lutheran Schools Association of South Australia, Northern Territory and Western Australia Incorporated.
- (4) In this regulation—

CrimTrac means the CrimTrac Agency established under the *Public Service Act 1999* of the Commonwealth.

7—Obligations of certain organisations

- (1) For the purposes of section 8C(1) of the Act, the prescribed date is 1 January 2008.
- (2) For the purposes of section 8C(2)(b) of the Act, the policies and procedures established under section 8C(1) must include provisions—
 - (a) taking into account the guidance provided by the Chief Executive on appropriate standards of conduct for adults in dealing with children; and
 - (b) reflecting the appropriate standards of care for ensuring the safety of children as defined by the Chief Executive; and
 - (c) reflecting the standards developed and issued by the Chief Executive to be observed in dealing with information obtained about the criminal history of employees and volunteers.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *Children's Protection Regulations 2006* were revoked by Sch 2 cl 1 of the *Children's Protection Regulations 2010* on 1.1.2011.

Principal regulations and variations

Year	No	Reference	Commencement
2006	12	<i>Gazette 19.1.2006 p305</i>	1.2.2006: r 2
2006	270	<i>Gazette 14.12.2006 p4382</i>	31.12.2006: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>31.12.2006</i>
r 4	inserted by 270/2006 r 5	31.12.2006
r 5	r 4 redesignated as r 5 by 270/2006 r 4	31.12.2006
rr 6 and 7	inserted by 270/2006 r 6	31.12.2006