

South Australia

Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Act 2019

An Act to amend the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Act 2019*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Section 4 of this Act will be taken to have come into operation on 22 October 2018.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5—Interpretation

Section 5(1)—after the definition of *firearm* insert:

foster parent, of a child, includes—

- (a) an approved carer of the child; and
- (b) a person in whose care the child is placed under section 77 of the *Children and Young People (Safety) Act 2017*;

5—Amendment of section 49—Unlawful sexual intercourse

Section 49(9)—after paragraph (g) insert:

- (ga) the person is employed or providing services in a licensed children's residential facility (within the meaning of the *Children and Young People (Safety) Act 2017*), or a residential care facility or other facility established under section 36 of the *Family and Community Services Act 1972*, or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or

6—Amendment of section 50—Persistent sexual abuse of child

Section 50(13)—after paragraph (g) insert:

- (ga) the person is employed or providing services in a licensed children's residential facility (within the meaning of the *Children and Young People (Safety) Act 2017*), or a residential care facility or other facility established under section 36 of the *Family and Community Services Act 1972*, or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or

7—Amendment of section 57—Consent no defence in certain cases

Section 57(4)—after paragraph (g) insert:

- (ga) the person is employed or providing services in a licensed children's residential facility (within the meaning of the *Children and Young People (Safety) Act 2017*), or a residential care facility or other facility established under section 36 of the *Family and Community Services Act 1972*, or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or

8—Amendment of section 63B—Procuring child to commit indecent act etc

Section 63B(6)—after paragraph (g) insert:

- (ga) the person is employed or providing services in a licensed children's residential facility (within the meaning of the *Children and Young People (Safety) Act 2017*), or a residential care facility or other facility established under section 36 of the *Family and Community Services Act 1972*, or is a person engaged in the administration of those Acts, acting in the course of the person's duties in relation to the child; or