

South Australia

## **Children's Protection Variation Regulations 2015**

under the *Children's Protection Act 1993*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Children's Protection Regulations 2010***

- 4 Variation regulation 3—Interpretation
  - 5 Variation of regulation 6—Manner in which assessment must be undertaken
  - 6 Variation of regulation 8—Prescribed non-government organisations
  - 7 Variation of regulation 10A—Prescribed functions
  - 8 Variation of regulation 11A—Exempt persons
  - 9 Variation of regulation 14—Exemptions
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Children's Protection Variation Regulations 2015*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Children's Protection Regulations 2010***

#### **4—Variation regulation 3—Interpretation**

- (1) Regulation 3(1), definition of *child-related employment screening*—delete ", if appointed to, or engaged to act in, a position, pose a risk to the safety of children" and substitute:

pose a risk to the safety of children if he or she—

- (a) is appointed to, or is engaged to act in, a prescribed position; or
- (b) were to perform a prescribed function,

both within the meaning of section 8B of the Act;

- (2) Regulation 3(1)—after the definition of *interstate spent conviction* insert:

*prescribed passenger transport service* means a service in which—

- (a) passengers are carried for a fare or other consideration (including under a hire or charter arrangement or for consideration provided by a third party) by means of a vehicle; and
- (b) the passengers are, or may include, children (whether or not any passengers so carried are, in fact, children);

*vehicle* means—

- (a) a motor vehicle (within the meaning of the *Passenger Transport Act 1994*);
- (b) a vehicle drawn by an animal;

but does not include a vehicle operated on a railway or tramway, a vessel or an aeroplane.

### **5—Variation of regulation 6—Manner in which assessment must be undertaken**

- (1) Regulation 6(1)—delete "For" and substitute:

Subject to subregulation (1aa), for

- (2) Regulation 6—after subregulation (1) insert:

- (1aa) For the purposes of section 8B of the Act, an assessment of the relevant history of a person who provides a prescribed passenger transport service is to be undertaken by having an authorised screening unit assess the relevant history of the person.

### **6—Variation of regulation 8—Prescribed non-government organisations**

Regulation 8—delete "a non-government organisation that provides disability services wholly or partly for children is a non-government organisation of a prescribed class." and substitute:

the following classes of non-government organisation are prescribed:

- (a) a non-government organisation that provides disability services wholly or partly for children;
- (b) a non-government organisation that provides a prescribed passenger transport service.

### **7—Variation of regulation 10A—Prescribed functions**

Regulation 10A(1)—delete subregulation (1) and substitute:

- (1) For the purposes of paragraph (d) of the definition of *prescribed functions* in section 8B(8) of the Act, the following functions are prescribed:
  - (a) the provision of overnight care;
  - (b) the provision of a prescribed passenger transport service.

**Note—**

Section 8B or 8BA of the Act may still apply in relation to a particular service involving the transportation of children even though the service is not a prescribed passenger transport service.

**8—Variation of regulation 11A—Exempt persons**

Regulation 11A—after its present contents (now to be designated as subregulation (1)) insert:

- (2) However, a person who provides a prescribed passenger transport service is excluded from the scope of subregulation (1)(a), whether or not he or she is a member of an organisation contemplated by section 8B(6) of the Act.

**9—Variation of regulation 14—Exemptions**

Regulation 14(2)—after paragraph (b) insert:

or

- (c) involve the provision of a prescribed passenger transport service.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 17 December 2015

No 251 of 2015