

South Australia

Disability Services (Assessment of Relevant History) Variation Regulations 2016

under the *Disability Services Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Disability Services (Assessment of Relevant History) Variation Regulations 2016*.

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 *Disability Services (Assessment of Relevant History) Regulations 2014*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after "In these regulations" insert:
 - , unless the contrary intention appears
 - (2) Regulation 3(2)—after "that section" insert:
 - unless the contrary intention appears
-

5—Substitution of regulation 14

Regulation 14—delete the regulation and substitute:

14—Exemption

- (1) A responsible authority for a prescribed disability service provider is exempt from the requirement under section 5B(1) of the Act to ensure that an assessment of a person's relevant history is undertaken before the person is appointed to, or engaged to act in, a prescribed position if—
 - (a) a child-related employment screening has been carried out in relation to the person within the preceding 3 years; and
 - (b) the child-related employment screening—
 - (i) indicates that the person does not pose a risk to the safety of children if engaged in child-related employment; or
 - (ii) does not indicate that the person is unsuitable to be engaged in child-related employment (however described).
- (2) In this regulation—

child-related employment—a person is engaged in child-related employment if the person—

 - (a) is appointed to, or is engaged to act in, a prescribed position (within the meaning of section 8B of the *Children's Protection Act 1993*); or
 - (b) performs a prescribed function (within the meaning of section 8B of the *Children's Protection Act 1993*);

child-related employment screening, in relation to a person, means an assessment of the person's relevant history (within the meaning of section 8B of the *Children's Protection Act 1993*) for the purposes of section 8B of the *Children's Protection Act 1993* carried out in accordance with regulation 6(1)(b) of the *Children's Protection Regulations 2010*.

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 16 June 2016

No 53 of 2016

DCSICS/15/038