

South Australia

## **Children and Young People (Safety) (Miscellaneous No 2) Variation Regulations 2018**

under the *Children and Young People (Safety) Act 2017*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Children and Young People (Safety) (Miscellaneous No 2) Variation Regulations 2018*.

#### **2—Commencement**

These regulations will come into operation on 22 October 2018.

#### **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 and Young People (Safety) Regulations 2017*

### 4—Insertion of regulation 17B

After regulation 17A insert:

#### **17B—Onus on objector**

For the purposes of section 59(1a) of the Act, proceedings where the child or young person to whom the proceedings relate—

- (a) is under the guardianship, or in the custody, of the Chief Executive or another person pursuant to an interim order made under section 53(2) of the Act; and
- (b) was not, at the time the application relating to the proceedings was made, under the guardianship, or in the custody, of the Chief Executive or another person pursuant to any other order under section 53 of the Act,

are prescribed.

### 5—Insertion of regulation 40B

After regulation 40A insert:

#### **40B—Money held of behalf of child or young person**

For the purposes of section 161(2)(a) of the Act, the scheme relating to money held by the Public Trustee on behalf of a child or young person is the scheme determined by the Chief Executive, and set out in an agreement between the Chief Executive and the Public Trustee, as in force from time to time.

### 6—Variation of regulation 43—Transitional and saving provisions etc

Regulation 43—after subregulation (11) insert:

- (11a) Pursuant to section 170(3)(c) of the Act, section 59 of the Act will be taken not to apply in relation to proceedings of the following kinds:
  - (a) proceedings commenced under *Children's Protection Act 1993* prior to the commencement of section 53 of the Act;
  - (b) proceedings that arise out of, or are related to, the expiry of an order under section 21 of the *Children's Protection Act 1993* that granted custody of a child to the Minister.

#### **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 18 October 2018

No 222 of 2018

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