

South Australia

Family and Community Services Variation Regulations 2018

under the *Family and Community Services Act 1972*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Family and Community Services Variation Regulations 2018*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulations 8 and 9 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 *Family and Community Services Regulations 2009*

4—Variation of regulation 3—Interpretation

Regulation 3, definition of *advisory committee*—delete the definition

5—Revocation of Part 2

Part 2—delete the Part

6—Variation of regulation 12—Functions of Chief Executive

- (1) Regulation 12(1)—delete "Officer"
- (2) Regulation 12(2)—delete "Officer"

7—Variation of regulation 14—Use of force against children in residential care facilities

Regulation 14(2)—delete subregulation (2) and substitute:

- (2) An employee in a residential care facility who uses force against a child placed in the facility must, as soon as is reasonably practicable after the use of force—
 - (a) prepare a written report (in a manner and form determined by the Chief Executive) relating to the use of force setting out—
 - (i) the name of the child;
 - (ii) the name of each employee in the facility involved in or who witnessed the use of force;
 - (iii) the date, time and location in the facility where the use of force took place;
 - (iv) the nature of the force used and the purpose for which, or circumstances in which, the force was used;
 - (v) any follow-up action undertaken as a result of the use of force; and
 - (b) cause the report to be verified in accordance with subregulation (2a); and
 - (c) submit the report (and a copy of any report referred to in subregulation (2a)(b)) to the supervisor of the residential care facility.
- (2a) A written report is to be verified by each employee who was involved in, or who witnessed the use of force, doing 1 or both of the following:
 - (a) certifying on the written report, in accordance with any determination of the Chief Executive, that the report is an accurate account of the use of force against the child;
 - (b) providing a separate written report setting out such of the matters referred to in subregulation (2)(a) as may be known to the employee.

8—Revocation of Part 5

Part 5—delete the Part

9—Revocation of Schedule 1

Schedule 1—delete the Schedule

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 11 October 2018

No 220 of 2018

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