

South Australia

# **Child Safety (Prohibited Persons) Variation Regulations 2019**

under the *Child Safety (Prohibited Persons) Act 2016*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Child Safety (Prohibited Persons) Variation Regulations 2019*.

### **2—Commencement**

These regulations come into operation on the day that section 26A of the *Child Safety (Prohibited Persons) Act 2016* comes into operation.

### **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 *Child Safety (Prohibited Persons) Regulations 2019***

### **4—Variation of regulation 6—Prescribed positions**

Regulation 6—after paragraph (e) insert:

- (f) a person employed by, or assigned to work in, the Office of the Director of Public Prosecutions as a witness assistance officer.

## 5—Insertion of regulation 15A

After regulation 15 insert:

### 15A—Presumptive disqualification offences

For the purposes of the definition of *presumptive disqualification offence* in section 26A(4) of the Act, the following offences are declared to be *presumptive disqualification offences*:

- (a) an offence against a following provision of the *Criminal Law Consolidation Act 1935* where the victim is an adult:
  - (i) section 11 (murder);
  - (ii) section 13 (manslaughter);
  - (iii) section 33A (female genital mutilation);
  - (iv) section 39 (kidnapping);
  - (v) section 48 (rape);
  - (vi) section 48A (compelled sexual manipulation);
  - (vii) section 51 (sexual exploitation of person with a cognitive impairment);
  - (viii) section 56 (indecent assault);
  - (ix) section 59 (abduction of male or female person);
  - (x) section 60 (procuring sexual intercourse);
  - (xi) section 72 (incest);
- (b) an offence against section 270B of the *Criminal Law Consolidation Act 1935* (assault with intent) with intent to commit an offence referred to in paragraph (a);
- (c) an offence against a following provision of the *Criminal Law Consolidation Act 1935* where the victim is a child:
  - (i) section 14 (criminal neglect);
  - (ii) section 33A (female genital mutilation);
  - (iii) section 33B (removal of child from State for genital mutilation);
  - (iv) section 137 (robbery);
  - (v) section 139A (dishonest communication with children);
  - (vi) section 142 (dishonest exploitation of position of advantage);
- (d) an offence against a following provision of the *Criminal Law Consolidation Act 1935*:
  - (i) section 7 (treason);
  - (ii) section 69 (bestiality);

- (e) an offence against section 37 of the *Summary Offences Act 1953* (possession, production or distribution of extremist material);
- (f) an offence against section 13 of the *Animal Welfare Act 1985* (ill treatment of animals);
- (g) an offence against a following provision of the *Controlled Substances Act 1984*:
  - (i) section 32 (trafficking);
  - (ii) section 33F (sale, supply or administration of controlled drug to child);
  - (iii) section 33G (sale, supply or administration of controlled drug in school zone);
- (h) an offence against a law previously in force in this State that corresponds to an offence referred to in a preceding paragraph;
- (i) an offence against the law of another State or Territory that corresponds to an offence referred to in any of the preceding paragraphs;
- (j) an offence against a following provision of the *Criminal Code* of the Commonwealth:
  - (i) section 72.3;
  - (ii) section 80.1;
  - (iii) section 80.1AA;
  - (iv) section 80.1AC;
  - (v) section 80.2;
  - (vi) section 80.2A;
  - (vii) section 80.2B;
  - (viii) section 80.2C;
  - (ix) section 80.2D;
  - (x) section 83.1;
  - (xi) section 91.1;
  - (xii) section 91.2;
  - (xiii) section 91.3;
  - (xiv) section 91.6;
  - (xv) section 91.8;
  - (xvi) section 91.11;
  - (xvii) section 91.12;
  - (xviii) section 101.1;

- (xix) section 101.2;
  - (xx) section 101.4;
  - (xxi) section 101.5;
  - (xxii) section 101.6;
  - (xxiii) section 102.2;
  - (xxiv) section 102.3;
  - (xxv) section 102.4;
  - (xxvi) section 102.5;
  - (xxvii) section 102.6;
  - (xxviii) section 102.7;
  - (xxix) section 102.8;
  - (xxx) section 103.1;
  - (xxxi) section 103.2;
  - (xxxii) section 271.2;
  - (xxxiii) section 271.3;
- (k) an offence against a law of the Commonwealth previously in force that corresponds to an offence referred to in paragraph (j);
  - (l) a conspiracy to commit, or an attempt to commit, an offence referred to in any of the preceding paragraphs;
  - (m) an offence of aiding, abetting, counselling or procuring the commission of an offence referred to in any of the preceding paragraphs;
  - (n) an offence against the law of a foreign jurisdiction that corresponds to an offence referred to in any of the preceding paragraphs.

**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 27 June 2019

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