

South Australia

Child Safety (Prohibited Persons) (Exemption) Variation Regulations 2020

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) (Exemption) Variation Regulations 2020*.

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 *Child Safety (Prohibited Persons) Regulations 2019*

4—Insertion of regulation 27

After regulation 26 insert:

27—Exemption—application for working with children check pending

- (1) Pursuant to section 53(2)(a) of the Act, a person—
 - (a) in relation to whom an application for a working with children check has been made in accordance with the Act but that working with children check has not yet been conducted; and
 - (b) who is not a prohibited person; and
 - (c) who is not presumed to pose an unacceptable risk to children under section 26A of the Act;

is exempt from the operation of section 16 of the Act.

- (2) It is a condition of an exemption under subregulation (1) that the person is, while working with children pursuant to the exemption, supervised by a prescribed supervisor.
- (3) Pursuant to section 53(2)(a) of the Act, the employer of a person referred to in subregulation (1) is exempt from the operation of sections 17 and 18 of the Act in respect of the person.
- (4) In this regulation—

prescribed supervisor means a person in relation to whom a working with children check (within the meaning of the *Child Safety (Prohibited Persons) Act 2016*) has been conducted within the preceding 5 years.

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 2 April 2020

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