

South Australia

Children and Young People (Oversight and Advocacy Bodies) (Commissioner for Aboriginal Children and Young People) Variation Regulations 2021

under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Children and Young People (Oversight and Advocacy Bodies) Regulations 2017*

- 4 Insertion of regulation 9AA
 - 9AA Scheme for recruitment of Commissioner for Aboriginal Children and Young People
 - 5 Insertion of regulations 9B and 9C
 - 9B Information required in report under section 20O(5) of Act
 - 9C Information required in report under section 20P(3) of Act
 - 6 Variation of regulation 10—Inspection of database maintained by Child Death and Serious Injury Review Committee
 - 7 Variation of regulation 12—Outcomes Framework for Children and Young People
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Children and Young People (Oversight and Advocacy Bodies) (Commissioner for Aboriginal Children and Young People) Variation Regulations 2021*.

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 *Children and Young People (Oversight and Advocacy Bodies) Regulations 2017*

4—Insertion of regulation 9AA

After regulation 9 insert:

9AA—Scheme for recruitment of Commissioner for Aboriginal Children and Young People

- (1) For the purposes of section 20B(4) of the Act, the scheme for the recruitment of each Commissioner for Aboriginal Children and Young People is as follows:
 - (a) the Minister must make arrangements for the involvement of Aboriginal children and young people in the recruitment and selection process (including, to avoid doubt, by allocating sufficient resources for that purpose);
 - (b) the Minister must appoint a selection panel of up to 5 persons to propose the appointment of an applicant to the position of CACYP which must include—
 - (i) 2 Aboriginal young people; and
 - (ii) an Aboriginal community representative; and
 - (iii) a senior Aboriginal public sector employee;
 - (c) the interview process for the position of CACYP must include (but need not be limited to) an exercise designed to assess the applicant's ability to engage, communicate and interact with Aboriginal children and young people, conducted in accordance with any requirements determined by the Minister;
 - (d) the selection panel may propose to the Minister that a specified applicant be appointed as the CACYP (and the Minister must refer that applicant to the Statutory Officers Committee in accordance with section 20B of the Act);
 - (e) the Minister may consult or cooperate with, or be assisted by, such persons and bodies as the Minister thinks fit in relation to the recruitment and selection process;
 - (f) subject to these regulations, and to any direction of the Minister, the selection panel may determine its own procedures;
 - (g) without limiting a preceding paragraph, the Minister may take such other actions in relation to, or impose such other requirements on, the recruitment and selection process for a CACYP as the Minister thinks fit.
- (2) A failure to comply with a requirement under this regulation does not, of itself, affect the validity of an appointment of a CACYP.

5—Insertion of regulations 9B and 9C

After regulation 9A insert:

9B—Information required in report under section 20O(5) of Act

For the purposes of section 20O(5)(d) of the Act, such information as may be provided to the Minister by a State authority to whom the CACYP's report relates (being information the State authority wishes to be made available to the Parliament in reply to the views expressed or recommendations made in the CACYP's report) is required.

9C—Information required in report under section 20P(3) of Act

For the purposes of section 20P(3)(b)(iv) of the Act, such information as may be provided to the Minister by a State authority to whom the relevant inquiry under section 20M of the Act relates (being information the State authority wishes to be made available to the Parliament in reply to the views expressed or recommendations made in the CACYP's report on the inquiry) is required.

6—Variation of regulation 10—Inspection of database maintained by Child Death and Serious Injury Review Committee

Regulation 10—after paragraph (e) insert:

- (ea) the Commissioner for Aboriginal Children and Young People;

7—Variation of regulation 12—Outcomes Framework for Children and Young People

Regulation 12(5)(a)(i)—after "CCYP" insert:
and the CACYP

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 November 2021

No 171 of 2021