

South Australia

Child Safety (Prohibited Persons) Amendment Regulations 2022

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) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on the day on which they are made.

Part 2—Amendment of *Child Safety (Prohibited Persons) Regulations 2019*

3—Amendment of regulation 18—Prohibition notices

Regulation 18(1)(b)—delete "personally on the person" and substitute:
in accordance with section 51 of the Act

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) An exemption under this regulation expires on the day that the application referred to in subregulation (1)(a) is completed and a determination made under section 26(5) of the Act as to whether the person to whom the application relates is, or is not, to be prohibited from working with children.
- (5) This regulation expires 12 months after the day on which it comes into operation.
- (6) 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.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 3 February 2022

No 8 of 2022