



Children and Young People (Safety and Support) Act 2025

Regulations

Explanatory Guide



**Government
of South Australia**

Department for
Child Protection

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Acknowledgement of Country

In the spirit of Reconciliation, the Department for Child Protection acknowledges the Traditional Owners of Australia and their connections to their land, seas and waters. We pay our respect to their Elders past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples reading this Explanatory Guide.

What is changing

The Children and Young People (Safety and Support) Bill 2024 was developed to strengthen and modernise South Australia's child protection and family support system. The Bill passed Parliament and received Royal Assent in June 2025, becoming the *Children and Young People (Safety and Support) Act 2025 (CYPSS Act)*. The CYPSS Act will commence on a date to be proclaimed by the Governor.

The current *Children and Young People (Safety) Act 2017 (CYPS Act)* is supported by the *Children and Young People (Safety) Regulations 2017 (CYPS Regulations)*. Upon commencement of the new CYPSS Act both the current CYPS Act and the current CYPS Regulations will be repealed.

New *Children and Young People (Safety and Support) Regulations (CYPSS Regulations)* therefore need to be developed to support the operation of the CYPSS Act.

Our approach to developing regulations

The proposed CYPSS Regulations have been developed by reviewing the existing regulations alongside the requirements of the new Act and the relevant Department for Child Protection (*the Department*) policy and practice documents.

To support this review process, between December 2025 and March 2026 the Department undertook targeted engagement with stakeholders who were invited to identify matters they considered important to address through the regulations. This feedback helped inform the review and shaped the development of a number of the proposed regulations.

As a result, the proposed regulations include requirements that:

- continue existing regulatory arrangements
- change or update existing requirements
- introduce new regulations
- remove requirements that are no longer needed, including where they are now specified in the CYPSS Act itself.



How to use this guide

The draft regulations are very technical in nature. This guide is intended to make those requirements easier to understand by explaining them in plain language.

This guide groups the draft regulations into themes to make it easier to navigate areas of interest. For each theme, it provides context about the relevant provisions of the CYPSS Act and explains the regulatory arrangements, including where an existing requirement is being retained, changed or replaced, or where a new regulation is proposed.

The consultation is focused on the draft regulations. As the CYPSS Act has already been passed by Parliament, the consultation is not an opportunity to revisit the policy intent or requirements established by the Act. Feedback should therefore focus on how the proposed regulations support the operation of the Act.

The consultation survey follows the same themes as this guide and seeks your views on whether the draft regulations are clear and support the operation of the CYPSS Act. We are particularly interested in hearing feedback from an operational perspective. Where you would like to consider the precise legal drafting of a proposal, you should refer to the draft regulations themselves.

Additional regulations under consideration

Part 4 of the CYPSS Act, *“Additional provisions relating to Aboriginal and Torres Strait Islander children and young people”*, represents a significant and deliberate step toward embedding Aboriginal and Torres Strait Islander self-determination within the child protection and family support system in South Australia.

Only some of the regulations needed to support Part 4 are ready for consultation now. Some new elements of the Act will be guided by processes of co-design. The details for these new opportunities do not form part of this consultation and are being progressed separately.

We want to hear from you

To support the commencement of the CYPSS Act, the Department is seeking your views on the proposed CYPSS Regulations. The consultation is an opportunity to tell us whether the draft regulations are clear and support the operation of the Act, and whether there are any issues or matters which you think should be considered before they are finalised. The consultation focuses on the proposed regulations and does not revisit the policy intent or requirements already established by the CYPSS Act.

You can choose to provide feedback only on those areas that are relevant to you. You do not need to comment on every proposed regulation.

Draft regulation details



RETAINED



NEW

Corresponds with a current regulation, which has either been carried over in full, or amended.

Represents a new regulation which has been developed to support either a new or existing provision under the CYPSS Act.

The following table groups the draft regulations by numerical order within each theme.

Theme | Responding to notifications

Reg 10 	Powers of child protection officers	This is consistent with an existing regulation and sets out requirements relating to the exercise of certain powers by child protection officers, including the retention of a child or young person's passport for a period of three months and applications for warrants. This provides important safeguards by placing limits on how long a passport can be retained without Court approval and setting clear requirements for warrant applications. This supports appropriate oversight and accountability when these powers are exercised.
Reg 12 	Sharing of information	This is consistent with an existing regulation and sets out requirements for the appropriate sharing of information between certain persons and bodies while providing safeguards to protect confidential and sensitive information. Part of the existing regulation will be removed because this requirement is now included directly in section 41(1) of the CYPSS Act.
Reg 17 	Prescribed persons-reporting suspicion	This is consistent with an existing regulation and specifies that 'mandatory notifiers' include people who hold management positions in prescribed organisations whose duties include responsibility for the provision of services to children. This ensures that leaders in such organisations also have an obligation to report suspicions of risk of significant harm if they arise, along with staff providing direct services.
Reg 18 	CE must take certain actions following assessment	This is consistent with an existing regulation and ensures that the Guardian for Children and Young People does not receive referrals from the Department as an action following an assessment of a child or young person at risk of harm. The regulation will be expanded to also include the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People. Like the Guardian, these Commissioners do not provide a direct service or response to children and families in relation to reports of abuse or neglect. This helps ensure notifications are referred to services that are able to provide an appropriate response, while maintaining the distinct oversight and advocacy roles of the Guardian and Commissioners.

Reg 19 	Information to be contained in assessment notice	This is consistent with an existing regulation and makes sure that a person who is directed to undertake an assessment (either drug and alcohol, mental health or parenting capacity) is given clear information about what they need to do, who will conduct the assessment, how to get further information or legal assistance, and what may happen if they do not comply. It also sets out how the assessment is arranged and reported.
Reg 20 	Random drug and alcohol testing scheme	This is consistent with an existing regulation and supports the CYPSS Act's provisions for random drug and alcohol testing by allowing the Chief Executive to determine a testing scheme, which must be published in the Government Gazette. This provides transparency and helps ensure people subject to the scheme have access to clear information about how it operates.
Reg 21 	Information to be contained in rehabilitation program notice	This is consistent with an existing regulation and sets out the information that must be included in a notice directing a person to undertake a drug and alcohol rehabilitation program. This ensures the person receives clear information about the program, their attendance requirements and the consequences of failing to comply.
Reg 22 	Destruction of forensic material	This is consistent with an existing regulation which sets out how forensic material collected for drug and alcohol testing is to be destroyed. Currently, it is in accordance with a scheme determined by the Chief Executive and will be amended to require forensic material be destroyed in accordance with the current Australian Standard. This provides an additional safeguard by ensuring that sensitive testing material is disposed of appropriately and consistently with the nationally recognised standard.
Reg 23 	Removal of child or young person	This is consistent with an existing regulation which applies where a person breaches a restraining or intervention order that prevents them from living with a particular child or young person. In these circumstances, the proposed regulation provides that the requirements under section 87 of the CYPSS Act are taken to be satisfied. This recognises that a court has already made an order preventing the person from living with that child or young person and enables the Department to take action to remove the child or young person where necessary. The proposed regulation also introduces a new provision in relation to custody notices, enabling notices to be provided to parents of the child or young person. This supports parents being appropriately informed when their child has been taken into the custody of the Chief Executive, when they are not removed from the premises.
Reg 40 	Protection of identity of persons who report to or notify Department	This is consistent with an existing regulation and sets out additional circumstances in which a notifier's identifying information may be disclosed. The proposed regulation authorises disclosure where it is reasonably necessary for a person to perform their official functions or duties, including functions relating to the protection of children and young people from harm, or where disclosure is reasonably necessary to prevent harm or further harm to the child or young person to whom the information relates.

		These circumstances operate alongside the other limited circumstances for disclosure already set out in the CYPSS Act.
Theme Support for children and young people		
Reg 6, Reg 43(2) and (3) 	Voices of children and young people	These cover a number of newly proposed regulations which expand on the section in the CYPSS Act pertaining to voices of children and young people. Section 14 requires the voices of children and young people to be heard in relation to several prescribed decisions. It also requires children and young people be provided with information about the prescribed decisions and offered the chance to present their views in person to the decision maker. These decisions relate to family group conferences, case plans (and their reviews), placement, contact arrangements, ongoing reviews (currently known as annual reviews), leaving care plans and internal reviews. Proposed regulation 6 would extend these requirements to include decisions relating to the suitability of a guardian for the purpose of a specified person guardianship order. Regulation 43 also recognises that in the case of a Contact Arrangements Review Panel and internal review process, compliance with section 14 in some circumstances may adversely impact a child or young person. In these two limited circumstances, this regulation provides an exemption from the requirements of section 14 if it is believed that it would have an adverse effect on the child or young person. Importantly, the regulation still requires that the CARP or person conducting the internal review must be satisfied that the child or young person's views about the decision being reviewed have been provided or sought.
Reg 16 	Providing safe environments for children and young people	This is consistent with an existing regulation which sets out requirements for prescribed organisations providing services or activities to children and young people, including the policies and procedures they must follow to provide a safe environment. The regulation also identifies the organisations to which these requirements apply. The proposed regulation will replace the current detailed list of required policies and procedures with a requirement for organisations to have policies and procedures that align with the National Principles for Child Safe Organisations, and any other policies and procedures determined by the Chief Executive. This fulfills the government's commitment to embedding the National Principles in legislation. It also provides flexibility for additional requirements to be added as practice, evidence and standards change at the discretion of the Chief Executive without requiring the regulations themselves to be amended.
Reg 25 	Guardianship care plan	This is consistent with two existing regulations and sets out the information that must be included in a case plan for a child or young person under a specified person guardianship order. This includes planning for their cultural maintenance, contact arrangements, education, health, disability, financial or other supports for carers, compensation, dispute resolution, and information from the most recent review of their long-term care plan. This helps ensure that, when a child or young person moves to a specified person guardianship arrangement, important aspects of their care and wellbeing continue to be considered and planned for.

		The regulation also requires the plan contains the views of the child or young person, birth family, proposed guardians, Department and relevant cultural or community representatives where known. The existing provision which allows an application not to proceed if new information raises concerns about the proposed guardian's suitability is now embedded within the CYPSS Act. This helps ensure guardianship decisions are well-informed and focused on the child or young person's needs and circumstances.
Reg 27 	Contact arrangements	This is consistent with an existing regulation and sets out requirements relating to contact arrangements for children and young people in care, including how those arrangements are documented and communicated. This provides clarity and certainty for children and young people, their families and carers about contact arrangements and opportunities for review and helps support the maintenance of important family and other significant relationships.
Reg 41 	Payment of money to Chief Executive on behalf of child or young person	This is consistent with an existing regulation and allows the Department and the Public Trustee to continue existing arrangements for how money is held and managed for children and young people in care. This provides continuity in how children and young people's money is managed and helps ensure appropriate arrangements and safeguards remain in place to protect their financial interests.
Reg 43(7) 	Leaving care plans	This is a new provision and relates to leaving care plans for children and young people transitioning from care. Section 173 of the CYPSS Act requires a leaving care plan to be prepared for children and young people who are under the guardianship of the Chief Executive until 18 years of age and are leaving care. The proposed regulation removes the requirement for children and young people leaving care through a specified person guardianship order to have such a plan, as they will have a guardianship care plan (prepared in accordance with section 126 of the CYPSS Act and regulation 25). This avoids the preparation of two separate plans covering similar matters. The information and planning required under section 173 will instead be incorporated into the guardianship care plan, ensuring the child or young person continues to receive appropriate planning and support as they transition from care.

Theme | Aboriginal and Torres Strait Islander participation + representation

Reg 13 	Recognised Aboriginal or Torres Strait Islander entities	This is a newly proposed regulation about Recognised Aboriginal and Torres Strait Islander Entities and how they can be recognised. Section 53 of the CYPSS Act allows the Minister to recognise an eligible organisation as a Recognised Aboriginal or Torres Strait islander Entity. The proposed regulation requires the Minister to consult with the peak body for Aboriginal and Torres Strait Islander children, young people and their families before recognising an eligible entity. This ensures Aboriginal and Torres Strait Islander perspectives inform decisions about which organisations are recognised to perform this important role and supports the CYPSS Act's broader commitment to Aboriginal participation and self-determination.
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Reg 14 	Coordinator of family group conference	This is a newly proposed regulation about who coordinates family group conferences for Aboriginal and Torres Strait Islander children and young people. Section 58 of the CYPSS Act requires that, where a family group conference is held for an Aboriginal or Torres Strait Islander child or young person, the coordinator must be an Aboriginal or Torres Strait Islander person (and not an employee of DCP). The proposed regulation provides an exception where an Aboriginal or Torres Strait Islander parent requests that the coordinator not be an Aboriginal or Torres Strait Islander person. This recognises that Aboriginal and Torres Strait Islander parents are best placed to identify what will support the family group conference process for their family's circumstances. This supports the Act's broader commitment to Aboriginal self-determination and family-led decision-making.
Theme Oversight + Accountability		
Reg 7 	Relevant laws (<i>relating to the Charter of Rights</i>)	This is consistent with an existing regulation and identifies additional laws where people and bodies (exercising functions under those laws) must give effect to the Charter of Rights for Children and Young People in Care. This includes functions carried out under the <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i>, the <i>Children and Young People (Safety) Act 2017</i>, the <i>Children's Protection Act 1993</i> and the <i>Family and Community Services Act 1972</i>.
Reg 8 	Quality of Care Report Guidelines (NB: <i>Quality of care reports is the new terminology to replace 'Care Concerns'</i>)	This is a newly proposed regulation which relates to circumstances where it is not safe or appropriate to afford procedural fairness when responding to quality of care reports. This is where: • it is likely that doing so would have an adverse effect on a child or young person, • it is likely that doing so would pose a risk to safety of a person, • it is likely to impede an investigation or proposed investigation by an inquiry agency, or • the provision of procedural fairness is otherwise prohibited by or inconsistent with another Act. This means that people can be kept safe and protected when quality of care reports are raised and are being addressed, and that investigations by inquiry agencies will not be compromised.
Reg 9 	Complaints and Feedback Management Guidelines	This is a newly proposed regulation which relates to circumstances where it is not safe or appropriate to afford procedural fairness when responding to complaints or feedback. This regulation mirrors the proposal above, <i>Quality of Care Report Guidelines</i> – and applies where: • it is likely that doing so would have an adverse effect on a child or young person, • it is likely that doing so would pose a risk to safety of a person, • it is likely to impede an investigation or proposed investigation by an inquiry agency, or • the provision of procedural fairness is otherwise prohibited by or inconsistent with another Act.

		This means that people can be kept safe and protected when complaints and feedback are raised and are being addressed, and that investigations by inquiry agencies will not be compromised.
Reg 11 	Children and Young Person's Visitor	This is consistent with an existing regulation and sets out arrangements for the appointment of the Children and Young Person's Visitor. The Governor may appoint the Guardian for Children and Young People as the Visitor, or another person for a term of up to five years. It also allows for an acting Visitor to be appointed when required. Importantly, removal of the Visitor requires consent from both Houses of Parliament, providing a safeguard for the independence of the role.
Reg 15 	Prescribed persons and bodies (<i>in relation to Children and Young People Safety and Support Plans</i>)	This is a newly proposed regulation about who must prepare a Children and Young People Safety and Support Plan. Part 5, Division 2 requires prescribed State authorities prepare, publish and report annually on a <i>Children and Young People Safety and Support Plan</i>. The Plan must set out how the authority will give effect to the State Strategy and implement relevant objectives under CYPSS Act. Within this provision of the CYPSS Act, the prescribed State authorities are the Department for Child Protection, the Department for Education, Department for Health and Wellbeing, and the Department of Human Services. The proposed regulation prescribes the Office for Early Childhood Development (OECD) as an additional State authority.
Reg 28, Reg 29 	Contact Arrangements Review Panel (CARP) and reviews by CARP	These are consistent with two existing regulations and continue to provide for the functions/ operations of and reviews by the Contact Arrangements Review Panel (CARP). The draft regulations set out that the CARP will continue to review contact arrangements, report annually to the Minister on matters relating to contact arrangements, and perform other functions given to it under the Act or by the Minister or Chief Executive. The Panel will also continue to have the powers reasonably necessary to carry out its functions. The regulations also make provisions for Panel membership, and for Panels to act in accordance with requirements determined by the Chief Executive when convening and completing a review. This allows more detailed requirements about the review process to be set to support the operation of the Panel. As is currently the case, the Panel is subject to the direction and control of the Minister, except in relation to the outcome of an individual review. This supports the Panel to make its own determination when considering a particular child or young person's contact arrangements, further strengthened by the new provision in the CYPSS Act that the presiding CARP member be independent of the Department.
Reg 37 	Investigation of complaints regarding certain residential and other facilities	This is consistent with an existing regulation and supports the complaints framework established under the CYPSS Act for certain residential and other facilities. The proposed regulation provides that complaints must be investigated in the manner determined by the Chief Executive and identifies additional facilities to which the complaints provisions apply.

		This supports a clear and flexible approach to investigating complaints about care provided in these facilities.
Reg 38, Reg 39 	Interagency Practice Review Panels	These are newly proposed regulations which cover how Interagency Practice Review Panel reports may be shared after the review of an adverse event, and the protection of information contained in those reports. One proposed regulation allows the Panel's report to be provided to individual panel members' respective Chief Executive and Minister responsible for their organisation. The second regulation extends confidentiality protection to those Chief Executives and Ministers when they receive reports, which means they will not be required to produce or disclose to a court, agency or other person or body – any information contained in the report they received. This protection is already provided to the Chief Executive and Minister for Child Protection in the CYPSS Act. Overall, these confidentiality protections ensure a confidential review process in which agencies can openly examine what occurred, identify opportunities for improvement and share learnings, while protecting sensitive information relating to children, young people, families and others involved.

Theme | Out of Home Care

Reg 4 	Approved carers	This is a newly proposed regulation which provides flexibility in who may be recognised as an approved carer under the CYPSS Act. The proposed regulation allows the Chief Executive to determine additional people, or classes of people, who may be recognised as approved carers. For example, this could be used where a child or young person needs to be placed interstate in an emergency and their carer is approved under arrangements in that jurisdiction. This means appropriate carers can be recognised in particular circumstances without every possible type of carer needing to be individually prescribed in the regulations.
Reg 26 	Prescribed information – provision of information	This is consistent with an existing regulation and sets out the information which must be provided to a child or young person about a proposed placement with an approved carer. This includes, where relevant, information about the carer, where they will live, the school they will attend, other people living in the household, and the carer's experience caring for children and young people. This helps ensure children and young people are given meaningful information about where they may be living and who they may be living with before a placement occurs. It supports their understanding of, and participation in, an important decision affecting their everyday life.
Reg 30, Reg 31, Reg 43(6) 	Licensed foster care agencies	These are consistent with several existing regulations relating to licensed foster care agencies. These regulations: • provide an exemption for the Chief Executive of the Department for Education to hold a foster care agency licence (this relates to Guardianship Family Day Care); • require applications to renew a foster care agency licence to be made in the form and manner determined by the Chief Executive, and within the required timeframe; and

		set out the records licensed foster care agencies must keep, including records relating to approved carers, agency staff, assessments and child placements and that they be maintained in accordance with guidelines issued by the Chief Executive. These regulations provide clarity for foster care agencies about their licensing and record-keeping responsibilities and help ensure important information about carers, staff and children and young people in placements is appropriately maintained.
Reg 32, Reg 33, Reg 34 	Licensed children's residential facilities	These are consistent with several existing regulations relating to children's residential facilities (CRFs) and set out which premises are excluded from the definition of a CRF, requirements for renewing a CRF licence, and the records that licensed CRFs must keep. These requirements will largely be retained. The proposed regulations will also expand the types of premises excluded from the definition of a CRF to include the home of a specified person guardian. This ensures that specified person guardians caring for three or more children or young people are not inadvertently required to hold a CRF licence. Together, these regulations provide clarity about which premises require a licence and support appropriate licensing and record keeping, while recognising that family-based guardianship arrangements are different from residential care facilities.
Reg 35 	State residential care facilities	The <i>Family and Community Services Regulations 2024 (FACS Regulations)</i> will be repealed when the CYPSS Act commences. Regulations 4, 5 and 6 of the FACS Regulations have been drafted as one single regulation to support section 167 of the CYPSS Act. These provisions were most recently reviewed in 2024. The regulation sets out requirements for the establishment of State residential facilities, treatments that are prohibited, and limitations on the use of force. Ensuring these requirements are included in the regulations means important safeguards for children and young people in residential facilities are maintained.
Reg 36 	Psychological or psychometric assessments	This is consistent with an existing regulation and means certain prescribed people working in children's residential facilities and state residential care facilities, do not need to undertake a psychological or psychometric assessment prior to their employment. This includes people such as maintenance workers, students on placement and some health practitioners. The Chief Executive may also determine other classes of people who are exempt. These exemptions cannot apply to prohibited persons.
Reg 43(1), (4) and (5) 	Information provided by placement agencies and approved carers	These are consistent with existing provisions which provide exemptions to placement agencies and approved carers from having to provide certain information in specific circumstances. The regulation recognises that there are differences in the information placement agencies need to provide to children and young people prior to placement, dependent on whether the placement is with an approved carer or in a licensed children's residential facility. There is also a provision which recognises that there is no need for an approved carer to provide information about who is living with them, if they are not providing care for children and young people at their residence.

		Together, these exemptions ensure the information requirements remain relevant to the circumstances and avoid requiring information where it is not necessary for the placement.
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Theme | Miscellaneous

Reg 5 	State authorities	This is consistent with an existing regulation and clarifies which bodies are not considered State authorities for the purposes of the CYPSS Act. These include courts and tribunals, the Ombudsman, the State Coroner and bodies exercising judicial or independent oversight functions. This recognises the distinct and independent roles of these bodies and ensures they are not captured by requirements intended to apply to State government agencies.
Reg 24 	Prescribed information-qualifying offences	This is consistent with an existing regulation and sets out the information the Courts Administration Authority must provide to the Chief Executive when a person is found guilty of a qualifying offence. The regulation will be expanded to also require information about the person's custody status at the time information is provided to the Chief Executive. This ensures DCP receives important and timely information to assess and respond to any implications for the safety and wellbeing of a child or young person.
Reg 42 	Confidentiality	This is consistent with an existing regulation and supports the confidentiality requirements in the Act, which sets out the circumstances in which personal information may be appropriately disclosed.