

South Australia

Children and Young People (Safety and Support) Regulations 2026

under the *Children and Young People (Safety and Support) Act 2025*

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1—Short title

These regulations may be cited as the *Children and Young People (Safety and Support) Regulations 2026*.

2—Commencement

These regulations come into operation on .

3—Interpretation

In these regulations—

Act means the *Children and Young People (Safety and Support) Act 2025*;

inquiry agency means—

- (a) South Australia Police; or
- (b) the Ombudsman; or
- (c) the State Coroner; or
- (d) the Independent Commission Against Corruption; or
- (e) the Commissioner for Public Sector Employment; or
- (f) the Health and Community Services Complaints Commissioner; or
- (g) the Guardian for Children and Young People.

registered health practitioner has the same meaning as in the *Health Practitioner Regulation National Law (South Australia)*;

unique identifier has the same meaning as in the *Child Safety (Prohibited Persons) Act 2016*.

4—Approved carers

For the purposes of paragraph (b) of the definition of *approved carer* in section 3(1) of the Act, a person, or person of a class, determined by the Chief Executive are prescribed.

5—State authorities

- (1) For the purposes of paragraph (f) of the definition of *State authority* in section 3(1) of the Act, a person or body who, pursuant to a contract for services or other agreement, provides services to children and young people and their families for, or on behalf of, a State authority is prescribed.
- (2) For the purposes of the definition of *State authority* in section 3(1) of the Act, the following persons and bodies are excluded from the ambit of that definition:
 - (a) each court or tribunal of the State;
 - (b) the Ombudsman under the *Ombudsman Act 1972*;

- (c) the Health and Community Services Complaints Commissioner under the *Health and Community Services Complaints Act 2004*;
- (d) the Independent Commissioner Against Corruption under the *Independent Commissioner Against Corruption Act 2012*.

6—Prescribed decisions—voices of children and young people

For the purposes of paragraph (h) of the definition of **prescribed decision** in section 14(8) of the Act, a decision under section 125(3)(b) as to whether a proposed guardian is, or is not, suitable to be the guardian of a child or young person is prescribed.

7—Relevant laws

For the purposes of paragraph (c) of the definition of **relevant law** in section 15(12) of the Act, the following Acts are prescribed:

- (a) the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*;
- (b) the *Children and Young People (Safety) Act 2017*;
- (c) the *Children's Protection Act 1993*;
- (d) the *Family and Community Services Act 1972*.

8—Quality of Care Report Guidelines

For the purposes of section 29(3) of the Act, the Chief Executive need not provide procedural fairness in the course of any action taken in response to a quality of care report if to do so—

- (a) is likely to have an adverse effect on a child or young person to which a quality of care report relates; or
- (b) is likely to pose a risk to the safety of any person; or
- (c) is likely to impede or compromise an investigation or proposed investigation by an inquiry agency; or
- (d) would be contrary to this or any other Act or law.

9—Complaints and Feedback Management Guidelines

For the purposes of section 30(3) of the Act, the Chief Executive need not provide procedural fairness in the course of any action taken in response to a complaint or feedback if to do so—

- (a) is likely to have an adverse effect on a child or young person to which complaint or feedback relates; or
- (b) is likely to pose a risk to the safety of any person; or
- (c) is likely to impede or compromise an investigation or proposed investigation by an inquiry agency; or
- (d) would be contrary to this or any other Act or law.

10—Powers of child protection officers

- (1) For the purposes of section 32(2)(a) of the Act, the period of 3 months is prescribed.

- (2) For the purposes of section 32(2)(b) of the Act, a passport must, at the end of the prescribed period, be dealt with as follows:
- (a) the Chief Executive must return the passport to a parent of the child or young person to whom the passport relates; or
 - (b) the Chief Executive may apply to the Court for an order authorising the Chief Executive to retain the passport for the period specified by the Court or until further order of the Court (however, if the Court does not grant the application, the passport must be dealt with in accordance with any order of the Court or, if no such order is made, the passport must be returned to a parent of the child or young person to whom the passport relates).
- (3) For the purposes of section 32(6)(b) of the Act, an application for the issue of a warrant must comply with the following provisions:
- (a) an application may only be made by telephone if the applicant is of the opinion that the warrant is urgently required and there is insufficient time to make the application personally;
 - (b) in the case of an application made by telephone—
 - (i) the applicant must inform the magistrate of the applicant's name and rank or position title (as the case requires) and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant has the authority to make the application;
 - (ii) the applicant must inform the magistrate of the grounds on which the issue of the warrant is sought;
 - (iii) if it appears to the magistrate from the information furnished by the applicant that there are proper grounds for the issue of the warrant, the magistrate must inform the applicant of the facts that, in the magistrate's opinion, justify the issue of the warrant and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;
 - (iv) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant;
 - (v) the warrant will be taken to have been issued when signed by the magistrate;
 - (vi) the magistrate must inform the applicant of the terms of the warrant;
 - (vii) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit in accordance with the applicant's undertaking.

11—Children and Young Person's Visitor

- (1) Pursuant to section 35(3) of the Act, the Governor may appoint a person (who may be the Guardian for Children and Young People *ex officio*) to be the Child and Young Person's Visitor.

- (2) If the person appointed to be the Child and Young Person's Visitor is not the Guardian for Children and Young People *ex officio*, the person will be appointed on conditions determined by the Governor and for a term, not exceeding 5 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (3) The Governor may remove a person from office as the Child and Young Person's Visitor on the presentation of an address from both Houses of Parliament seeking the person's removal.
- (4) The Governor may suspend a person from the position of Child and Young Person's Visitor on the ground of incompetence or misbehaviour and, in that event—
 - (a) a full statement of the reason for the suspension must be laid before both Houses of Parliament within 3 sitting days of the suspension; and
 - (b) if, at the expiration of 1 month from the date on which the statement was laid before Parliament, an address from both Houses of Parliament seeking the person's removal has not been presented to the Governor, the person must be restored to the position.
- (5) The position of Child and Young Person's Visitor becomes vacant if the person appointed to the position—
 - (a) dies; or
 - (b) resigns by written notice given to the Minister; or
 - (c) completes a term of appointment and is not reappointed; or
 - (d) is removed from the position by the Governor under subregulation (3); or
 - (e) becomes bankrupt or applies as a debtor to take the benefit of the laws relating to bankruptcy; or
 - (f) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
 - (g) becomes a member of the Parliament of this State or any other State of the Commonwealth or of the Commonwealth or becomes a member of a Legislative Assembly of a Territory of the Commonwealth; or
 - (h) becomes, in the opinion of the Governor, mentally or physically incapable of exercising satisfactorily the functions of the position.
- (6) The Minister may appoint a person to act in the position of Child and Young Person's Visitor—
 - (a) during a vacancy in the position; or
 - (b) when the Child and Young Person's Visitor is absent or unable to exercise the functions of the position; or
 - (c) if the Child and Young Person's Visitor is suspended from the position under subregulation (4).

12—Sharing of information

- (1) For the purposes of section 41(2) of the Act, a provider must comply with the following requirements:
 - (a) the provider must confirm the identity of the recipient to whom prescribed information is to be provided;
 - (b) the provider must be satisfied that the recipient is, in fact, a person or body to whom section 41 of the Act applies;
 - (c) the provider must take reasonable steps to ensure that the prescribed information is not provided to any other person or body (being a person or body who is not a person or body to whom section 41 of the Act applies).
- (2) For the purposes of section 41(6)(b) of the Act, a recipient may disclose information or documents received under that section—
 - (a) for the purposes of legal proceedings in which the information or document is relevant; or
 - (b) with the written authority of the Chief Executive.
- (3) For the purposes of section 41(6)(b) of the Act, a recipient who is, or was, an officer or employee of the Department engaged in the administration, operation or enforcement of the Act may disclose information or documents received under section 41 of the Act in the circumstances contemplated by section 218(1) of the Act.

13—Recognised Aboriginal or Torres Strait Islander entities

For the purposes of section 53(1)(b)(ii) of the Act, a peak body recognised by the Minister under section 38(2)(b) of the Act is prescribed.

14—Coordinator of family group conference

For the purposes of section 58 of the Act, circumstances in which an Aboriginal or Torres Strait Islander parent or guardian of the Aboriginal or Torres Strait Islander child or young person requests that the coordinator of the family group conference not be an Aboriginal or Torres Strait Islander person (as the case requires) are prescribed.

15—Prescribed persons and bodies—application of Part 5 Division 2 of Act

For the purposes of section 70(1)(b) of the Act, the Office for Early Childhood Development is prescribed.

16—Providing safe environments for children and young people

- (1) For the purposes of section 74(1)(d) of the Act, the following policies and procedures are required:
 - (a) policies and procedures that ensure that—
 - (i) child safety and wellbeing is embedded in organisational leadership, governance and culture; and
 - (ii) children and young people are informed about their rights, participate in decisions affecting them and are taken seriously; and
 - (iii) families and communities are informed and involved in promoting child safety and wellbeing; and

- (iv) equity is upheld and diverse needs respected in policy and practice; and
- (v) people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice; and
- (vi) processes to respond to complaints and concerns are child-focused; and
- (vii) staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training; and
- (viii) physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed; and
- (ix) the organisation regularly reviews how it implements the policies and procedures required under section 74 of the Act; and
- (x) information setting out the ways in which the organisation is safe for children and young people is documented;

Note—

These are the principles set out in the National Principles for Child Safe Organisations published by the National Office for Child Safety.

- (b) such other policies and procedures as may be determined by the Chief Executive by notice in the Gazette
- (2) To avoid doubt, a prescribed organisation need not prepare or adopt a policy or procedure referred to in subregulation (1) to the extent that such a policy or procedure comprises part of a policy or procedure prepared or adopted under section 71(a), (b) or (c) of the Act (as the case requires).

17—Prescribed persons—reporting suspicion

- (1) For the purposes of paragraph (i) of the definition of ***prescribed person*** in section 76(10) of the Act, the class of persons consisting of an officer or employee of a prescribed organisation who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children and young people (whether or not those duties constitute child-related work under the *Child Safety (Prohibited Persons) Act 2016*) is prescribed.
- (2) In this regulation—
prescribed organisation has the same meaning as in section 76 of the Act.

18—Chief Executive must take certain actions following assessment

Pursuant to section 223(1) of the Act, the Chief Executive must not, in respect of the action that may be taken under section 78(1)(b)(iii) on completion of an assessment, refer a matter under section 80 of the Act to the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People or the Guardian for Children and Young People.

19—Information to be contained in assessment notice

- (1) For the purposes of section 82(5) of the Act, the following information is required:
 - (a) the nature of the assessment and the provision of the Act under which the relevant direction is given;
 - (b) the name and contact details of the person or body who is to conduct the assessment;
 - (c) information explaining that the date and time on which the assessment is to be conducted, and the place at which it is to be conducted, is as specified by the specified person or body referred to in paragraph (b);
 - (d) a direction that the person to be assessed must—
 - (i) contact the specified person or body referred to in paragraph (b) within the period specified in the notice; and
 - (ii) comply with any lawful directions of the person or body who is to conduct the assessment in relation to the assessment (including directions relating to the date and time of the assessment, and the place at which the assessment is to be conducted);
 - (e) the contact details of the Legal Services Commission;
 - (f) contact details of a person or body with whom the person can communicate in respect of the assessment;
 - (g) information setting out the consequences for refusing or failing to comply with a direction under section 82 of the Act.
- (2) To avoid doubt, the Chief Executive may revoke a notice under section 82 of the Act at any time and for any reason the Chief Executive thinks fit (and nothing in this subregulation prevents the Chief Executive from giving another direction under that section to the person to whom the notice relates at any time)
- (3) Pursuant to section 223(1) of the Act, the person or body who conducts an assessment under section 82 of the Act must, in accordance with any requirement of the Chief Executive, provide a written report on the assessment to a person specified by the Chief Executive.

20—Random drug and alcohol testing scheme

- (1) For the purposes of section 83(2) of the Act, the scheme for random drug and alcohol testing is the scheme determined by the Chief Executive for the purposes of that section and published in the Gazette, as in force from time to time.
- (2) Without limiting any other provisions that the Chief Executive may include in the scheme, the following provisions will be taken to be part of the scheme:
 - (a) for the purposes of the law of the State, the taking of forensic material consisting of hair, blood, urine and saliva is authorised under the scheme (and the scheme must make provisions setting out how, and by whom, such forensic material may be taken);
 - (b) forensic material taken under the scheme must be tested to identify whether drugs or alcohol are present in the forensic material (and the scheme may make provisions—

- (i) setting out how, and by whom, such testing is to be undertaken; and
 - (ii) specifying particular drugs that the forensic material must be tested for);
 - (c) the results of the testing referred to in paragraph (b) must be provided, in the manner and form determined by the Chief Executive, to a person or persons determined by the Chief Executive.
- (3) The Chief Executive may, by notice in the Gazette, vary or substitute the scheme referred to in subregulation (1).

21—Information to be contained in rehabilitation program notice

- (1) For the purposes of section 84(3) of the Act, a notice must set out the following information:
- (a) the provision of the Act under which the direction is given;
 - (b) the name and nature of the drug and alcohol rehabilitation program that the person is directed to undertake;
 - (c) the place at which the person must attend in relation to the rehabilitation program;
 - (d) the date and time of the rehabilitation program;
 - (e) contact details of a person or body with whom the person can communicate in respect of the rehabilitation program;
 - (f) information setting out the consequences for refusing or failing to comply with a direction under section 84 of the Act,
- and may contain any other information or direction the Chief Executive thinks appropriate.
- (2) For the purposes of this regulation, a reference to attending a rehabilitation program will be taken to include a reference to attending on each day on which the program runs, or at any appointment or meeting required by or under the program.

22—Destruction of forensic material

For the purposes of section 86 of the Act, forensic material must be destroyed in accordance with any applicable Australian Standard, as in force at the relevant time.

23—Removal of child or young person

- (1) For the purposes of section 87(4) of the Act, the requirements of subsections (1), (2) or (3) (as the case requires) of that section will be taken to have been satisfied in circumstances where:
- (a) either—
 - (i) a restraining order under section 99AAC of the *Criminal Procedure Act 1921*; or
 - (ii) an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*,
- is in force against a particular person; and

- (b) it is a condition of the restraining order or intervention order (as the case requires) that the person not reside with the child or young person; and
 - (c) the person is residing with the child or young person.
- (2) For the purposes of section 87(5) of the Act, but without limiting section 87(6) of the Act, a custody notice may, in accordance with any determination of the Chief Executive, also be served on a parent or parents of the relevant child or young person.

24—Prescribed information—qualifying offences

For the purposes of section 90 of the Act, the following information is prescribed:

- (a) the name, address and date of birth of the person found guilty of the qualifying offence;
- (b) details of each qualifying offence of which the person is found guilty;
- (c) the custody status of the person at the time the information is given to the Chief Executive;
- (d) such other information as may be specified by the Chief Executive after consultation with the Courts Administration Authority.

25—Guardianship care plan

For the purposes of section 126(2) of the Act, the following information is required:

- (a) a cultural maintenance plan for the child or young person;
- (b) details of any contact arrangements with the family of the child or young person or other significant people in the child or young person's life;
- (c) information setting out how the educational, health and disability needs (if any) of the child or young person will be met;
- (d) details of any financial or other support provided, or to be provided, to any approved carer in whose care the child or young person is placed;
- (e) details of any compensation paid or payable to the child or young person under the *Victims of Crime Act 2001*;
- (f) details of any dispute resolution process (including mediation) to be followed in relation to disputes involving the care of the child or young person;
- (g) information relating to the most recent review of the child or young person's guardianship care plan;
- (h) to the extent that the information is known to the Chief Executive—the views relating to an application under section 127 of the Act of such of the following persons and bodies as may be relevant:
 - (i) the child or young person to whom the application relates;
 - (ii) the proposed guardian or guardians;
 - (iii) the birth family of the child or young person;
 - (iv) the Department;
 - (v) a person or body representing the culture or community of the child or young person.

26—Prescribed information—provision of information

For the purposes of section 137 of the Act, the following information is prescribed:

- (a) the name and age of the approved carer;
- (b) the address at which the child or young person will reside if placed with the approved carer;
- (c) the school (if any) in which it is intended that the child or young person be enrolled (including, if relevant, where there is to be no change in the school from the child or young person's current enrolment);
- (d) the nature of the employment (if any) of the approved carer;
- (e) details setting out the name, age and gender of any other persons residing with the approved carer;
- (f) details of any relevant experience the approved carer has had caring for children and young people.

27—Contact arrangements

- (1) For the purposes of section 143(5)(c) of the Act, but without limiting section 143(5)(b) of the Act, the determination must also set out—
 - (a) details of the Chief Executive's compliance with section 143(3) of the Act;
 - (b) the methods by which contact visits may be undertaken;
 - (c) any methods that must not be used to undertake a contact visit;
 - (d) any persons who must not be present during contact visits;
 - (e) the Chief Executive's reasons for the provisions set out in the determination.
- (2) Pursuant to section 223(1) of the Act, the following provisions apply in respect of contact arrangements under the Act:
 - (a) the Chief Executive must take reasonable steps to provide a copy of each determination under section 143 of the Act, and each variation of the determination, to each person to whom the determination relates;
 - (b) the Chief Executive must take reasonable steps to explain to each person to whom a determination under that section relates the right to have the contact arrangements reviewed under section 145 of the Act;
 - (c) contact visits may, at the discretion of the Chief Executive, consist of or include—
 - (i) face to face contact visits; or
 - (ii) telephone calls; or
 - (iii) written communication; or
 - (iv) the use of specified social media; or
 - (v) such other methods as the Chief Executive considers appropriate;
 - (d) the Chief Executive may exclude a specified method or methods from being used in contact visits if the Chief Executive considers it necessary or appropriate to do so in the circumstances of a particular determination;

- (e) the Chief Executive must cause a record of the reasons for any determination under section 143 of the Act to be made and kept in accordance with any determination of the Chief Executive.

28—Contact Arrangements Review Panel

- (1) For the purposes of section 144(1) of the Act, the Minister—
 - (a) must determine the terms and conditions of the appointments of members to the Contact Arrangements Review Panel; and
 - (b) may only appoint a person to be a member of the Contact Arrangements Review Panel if satisfied that the person has relevant qualifications or experience in relation to the protection of children and young people.
- (2) For the purposes of section 144(3) of the Act, the Panel has the following functions:
 - (a) the review of contact arrangements under Part 12 Division 3 of the Act;
 - (b) to report annually to the Minister on matters relating to contact arrangements under the Act;
 - (c) such other functions as may be conferred on the Panel by or under the Act or by the Minister or Chief Executive,and will be taken to have such powers as may be reasonably necessary to perform the functions of the Panel.
- (3) Pursuant to section 144(4) of the Act, the following further provisions apply in relation to the Contact Arrangements Review Panel:
 - (a) the Panel is subject to the direction and control of the Minister (other than in relation to the determination of the Panel in relation to a particular review of contact arrangements);
 - (b) a member of the Panel may also be a member of a panel under section 146 of the Act.

29—Review by Contact Arrangements Review Panel

- (1) For the purposes of section 145(4) of the Act, the Contact Arrangements Review Panel must act in accordance with the following requirements:
 - (a) the panel of members must consist of not less than 3 members of the Contact Arrangements Review Panel;
 - (b) at least 1 member of the panel must be an officer or employee of the Department;
 - (c) a member of the panel must not have an interest (however described) in the matter to which the review relates;
 - (d) any other requirements determined by the Chief Executive.
- (2) For the purposes of section 145(7) of the Act, the Contact Arrangements Review Panel must act in accordance with any requirements determined by the Chief Executive.

30—Renewal of licence to carry on business as foster care agency

For the purposes of section 158(7) of the Act, a licence may be renewed as follows:

- (a) the application for renewal must be made in a manner and form determined by the Chief Executive;
- (b) the application must be made within such period before the expiry of the licence as may be determined by the Chief Executive.

31—Record keeping—licensed foster care agencies

- (1) For the purposes of section 160(1) of the Act, the following records are required to be made:
 - (a) records setting out the name, date of birth, residential address and unique identifier (if any) of each approved carer in whose care the foster care agency places children or young people;
 - (b) records setting out the name, date of birth, residential address and unique identifier (if any) of each person employed in or by the foster care agency;
 - (c) records detailing each assessment conducted under section 161 of the Act;
 - (d) records setting out the following information in respect of each placement of a child or young person pursuant to the licence:
 - (i) the name and date of birth of the child or young person;
 - (ii) the name, date of birth and residential address of the approved carer in whose care the child or young person was placed;
 - (iii) the date of the placement;
 - (iv) the date (if any) on which the placement ended;
 - (e) such other records as may be required by the Chief Executive.
- (2) Despite any provision of the *State Records Act 1997* to the contrary, for the purposes of section 160(2) of the Act, records must be kept in accordance with the guidelines published by the Chief Executive by notice in the Gazette, as in force from time to time.

32—Children's residential facility

- (1) For the purposes of paragraph (b) of the definition of ***children's residential facility*** in section 162 of the Act, such places as may from time to time be determined by the Chief Executive by notice in the Gazette are declared to be included in the ambit of that definition.
- (2) The Chief Executive may, by subsequent notice in the Gazette, vary or revoke a notice under subregulation (1).
- (3) For the purposes of paragraph (g) of the definition of ***children's residential facility*** in section 162 of the Act, the following facilities and places are not included in the ambit of that definition:
 - (a) the residence of a person in whose care a child or young person is placed under section 136 of the Act;

- (b) the residence of a person under whose guardianship a child or young person is placed under a specified person guardianship order;
- (c) a hospital or other health service;
- (d) any other facility or place determined by the Chief Executive.

33—Renewal of licence to operate children's residential facility

- (1) For the purposes of section 164(7) of the Act, a licence may be renewed as follows:
 - (a) the application for renewal must be made in a manner and form determined by the Chief Executive;
 - (b) the application must be made within such period before the expiry of the licence as may be determined by the Chief Executive.
- (2) For the purposes of paragraph (a) of the definition of *prescribed number* in section 164(8) of the Act, the prescribed number is 12.

34—Record keeping—licensed children's residential facilities

- (1) For the purposes of section 166(1) of the Act, the following records are required to be made:
 - (a) records setting out the name, date of birth, residential address and unique identifier (if any) of each person employed in or by the licensed children's residential facility;
 - (b) records setting out the following information in respect of each child or young person who is, from time to time, resident in the licensed children's residential facility:
 - (i) the name and date of birth of the child or young person;
 - (ii) the period of each residence;
 - (iii) details of any complaint made by the child or young person in relation to their residence in the licensed children's residential facility (whether made under section 169 of the Act or otherwise);
 - (c) such other records as may be required by the Chief Executive.
- (2) Despite any provision of the *State Records Act 1997* to the contrary, for the purposes of section 166(2) of the Act, records must be kept in accordance with the guidelines published by the Chief Executive by notice in the Gazette, as in force from time to time.

35—State residential care facilities

- (1) For the purposes of section 167(1) of the Act, in establishing a residential care facility under that section the Minister must ensure that adequate arrangements are in place—
 - (a) to maintain the physical, psychological and emotional wellbeing of children and young people placed in the facility; and
 - (b) to promote the social, cultural and educational development of children and young people placed in the facility; and
 - (c) to ensure, through the implementation of operational procedures, the proper management of the facility; and

- (d) to prevent the use of the following forms of treatment in the facility:
 - (i) corporal punishment (in any form);
 - (ii) isolation from other children and young people in the facility;
 - (iii) psychological pressure or emotional abuse of any form;
 - (iv) deprivation of medical attention, basic food or drink, clothing or any other essential item;
 - (v) deprivation of sleep;
 - (vi) unjustified deprivation of contact with persons outside the facility;
 - (vii) any other treatment that is cruel, inhuman or degrading;
- (e) to ensure that force is only used against a child or young person in the facility to prevent them from harming themselves or another person, or from causing significant damage to property, and if such force is used, that—
 - (i) it is used as a last resort where no other intervention strategies are available; and
 - (ii) it is proportionate in the circumstances; and
 - (iii) the force was used for the shortest period possible, and in the least restrictive way; and
 - (iv) for the shortest period possible; and
- (f) to ensure that, if an employee in the facility uses force against a child or young person, the following provisions are given effect:
 - (i) the employee must prepare a written report (in a manner and form determined by the Chief Executive) relating to the use of force setting out the following:
 - (A) the name of the child;
 - (B) the name of each employee in the facility involved in, or who witnessed, the use of force;
 - (C) the date, time and location in the facility where the use of force took place;
 - (D) the nature of the force used and the purpose for which, or circumstances in which, the force was used;
 - (E) any follow-up action undertaken as a result of the use of force; and
 - (ii) the employee must cause the report to be verified in accordance with this regulation; and
 - (iii) the employee must submit the report (and a copy of any report referred to in subregulation (4)) to the supervisor of the facility.

- (2) For the purposes of subregulation (1)(f)(ii), a written report is to be verified by each employee who was involved in, or who witnessed, the use of force, doing 1 or both of the following:
- (a) certifying on the written report, in accordance with any determination of the Chief Executive, that the report is an accurate account of the use of force against the child or young person;
 - (b) providing a separate written report setting out such of the matters referred to in subregulation (1)(f)(i) as may be known to the employee.
- (3) A child or young person placed against whom force was used must be offered a reasonable opportunity to prepare an account of the use of force and the incident leading to the use of force.
- (4) If a child or young person accepts an offer under subregulation (3), the account must be—
- (a) written, signed and dated by the child or young person; or
 - (b) if the child or young person cannot write—
 - (i) written on the instructions of the child or young person, and signed and dated, by a person nominated for the purpose by the child or young person; and
 - (ii) signed by the child or young person,
- (and such account must be kept together with the report required to be prepared under subregulation (1)(f)(i)).
- (5) A child or young person may nominate any of the following persons for the purposes of subregulation (4)(b)(i):
- (a) the child or young person's case manager or case worker;
 - (b) a lawyer;
 - (c) a cultural advisor;
 - (d) any other adult,
- (but any such person nominated may not be a person who was present during the use of force against the child or young person or the relevant incident that led to the use of force).

36—Persons not to be employed in certain residential facilities unless they have been assessed

- (1) For the purposes of section 168(2) of the Act, the class of person consisting of persons (whether tradespeople or otherwise) from time to time engaged by a licensed children's residential facility or State residential care facility to provide maintenance or repair services is prescribed.
- (2) For the purposes of section 168(2) of the Act, the following persons and classes of persons are prescribed:
- (a) persons whose contact with children in the course of employment in a licensed children's residential facility or State residential care facility is incidental;

- (b) students who are, as a part of an organised program, undertaking a placement in a licensed children's residential facility or State residential care facility (being students in respect of whom a working with children check has been conducted within the preceding 5 years);
- (c) registered health practitioners in respect of whom a working with children check has been conducted within the preceding 5 years;
- (d) any other person, or class of persons, determined by the Chief Executive, however those classes do not include a person who is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*.

37—Investigation of complaints regarding certain residential and other facilities

- (1) For the purposes of section 169(3) of the Act, a complaint must be investigated in the manner determined by the Chief Executive.
- (2) For the purposes of paragraph (b) of the definition of *prescribed facility* in section 169(4) of the Act, the following facilities are prescribed:
 - (a) any other facility (however described) established by the Minister or the Chief Executive and which children or young people under the guardianship, or in the custody, of the Chief Executive reside;
 - (b) such other facilities as may be determined by the Chief Executive.

38—Reports—interagency practice review panels

For the purposes of section 209(3)(d) of the Act, in relation to a member of an interagency practice review panel who is an employee of an administrative unit of the Public Service, the relevant Minister in relation to the administrative unit, and the Chief Executive of the administrative unit are prescribed.

39—Protection of information

For the purposes of section 210(3) of the Act, a Minister or Chief Executive referred to in regulation 38 are prescribed.

40—Protection of identity of persons who report to or notify Department

For the purposes of section 214(1)(e) of the Act, a person may, in accordance with any requirements of the Chief Executive, disclose information referred to in that subsection—

- (a) if such disclosure is reasonably necessary for the performance of the person's official functions and duties, or the functions and duties of a State authority relating to the protection of children and young people from harm; or
- (b) if such disclosure is reasonably necessary to prevent harm, or further harm, being caused to a child or young person to whom the information relates.

41—Payment of money to Chief Executive on behalf of child or young person

For the purposes of section 217(2)(a) of the Act, the scheme relating to money held by the Public Trustee on behalf of a child or young person is the scheme determined by the Chief Executive, and set out in an agreement between the Chief Executive and the Public Trustee, as in force from time to time.

42—Confidentiality

- (1) For the purposes of section 218(1)(a) of the Act, a person is authorised to disclose personal information to an interpreter in the course of lawfully disclosing the personal information.
- (2) To avoid doubt, the Chief Executive may, by notice in writing, vary or revoke an authorisation of the disclosure of personal information obtained under the *Children's Protection Act 1993* (being an authorisation continued under regulation 42 of the *Children and Young People (Safety) Regulations 2017*).

43—Exemptions

- (1) Pursuant to section 223(2)(a) of the Act, a placement agency is exempt from the requirements under—
 - (a) section 137 of the Act; and
 - (b) section 138(1) of the Act; and
 - (c) section 139(1)(b) of the Act (to the extent that that paragraph relates to a member of an approved carer's household),in relation to a child or young person placed in—
 - (d) a licensed children's residential facility; or
 - (e) a residential facility established under section 36 of the *Family and Community Services Act 1972*; or
 - (f) the care of an approved carer of a kind determined by the Chief Executive for the purposes of this subregulation.
- (2) Pursuant to section 223(2)(a) of the Act, the Contact Arrangements Review Panel, or a panel convened under section 145(4) of the Act, is exempt from a requirement under section 14 of the Act if the Panel or panel (as the case requires)—
 - (a) is of the opinion that to comply with the requirement is likely to have an adverse effect on the child or young person; and
 - (b) is satisfied that the views of the child or young person had been provided or sought in the course of the determination to which a review under section 145 relates.
- (3) Pursuant to section 223(2)(a) of the Act, the Chief Executive or any other person conducting an internal review under section 202 of the Act, is exempt from a requirement under section 14 of the Act if the Chief Executive or person (as the case requires)—
 - (a) is of the opinion that to comply with the requirement is likely to have an adverse effect on the child or young person; and
 - (b) is satisfied that the views of the child or young person had been provided or sought in the course of the prescribed decision to which the internal review relates.
- (4) Pursuant to section 223(2)(a) of the Act, an approved carer is exempt from the requirements under—
 - (a) section 154(1)(b) of the Act; and

- (b) section 154(1)(c) or (d) of the Act (being a requirement relating to a person residing with the approved carer),

if the approved carer does not provide care for children and young people at the approved carer's residence.

- (5) Pursuant to section 223(2)(a) of the Act, the Chief Executive is exempt from the requirement under section 125(3) of the Act in relation to an approved carer providing care for a child or young person in—
 - (a) a licensed children's residential facility; or
 - (b) a residential facility established under section 36 of the *Family and Community Services Act 1972*.
- (6) Pursuant to section 223(2)(a) of the Act, the person from time to time holding or acting in the position of Chief Executive under the *Education and Children's Services Act 2019* is exempt from the operation of section 157 of the Act.
- (7) Pursuant to section 223(2)(a) of the Act, the Chief Executive is exempt from a requirement under section 173 of the Act to prepare a leaving care plan for a child or young person if a guardianship care plan has been prepared in respect of the child or young person under section 126 of the Act.

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

No of 2026