South Australia

Children and Young People (Safety and Support) Bill 2024

Amendment No 1 [Lee–1]—

Schedule 2, page 142, after line 25 [Schedule 2 Part 5]—

Insert:

5A—Amendment of section 3—Interpretation

Section 3(1)—after the definition of ***Guardian for Children and Young People*** insert:

Independent Children and Young People Investigations Agency or ***Agency*** means the Independent Children and Young People Investigations Agency constituted under Part 5A;

Amendment No 2 [Lee–1]—

Schedule 2, page 142, after line 33 [Schedule 2 Part 5]—

Insert:

7A—Insertion of Part 4A

After section 45 insert:

Part 5A—Independent Children and Young People Investigations Agency

45A—Interpretation

In this Part—

Department means—

(a) if the administration of this Act is committed to the Minister for Child Protection—the administrative unit responsible for assisting a Minister in the administration of the *Education and Children's Services Act 2019*; or

(b) in any other case—the administrative unit responsible for assisting a Minister in the administration of this Act;

Minister means—

(a) if the administration of this Act is committed to the Minister for Child Protection—the Minister to whom the administration of the *Education and Children's Services Act 2019* is committed; or

(b) in any other case—the Minister to whom the administration of this Act is committed;

Minister for Child Protection the Minister to whom the administration of the *Children and Young People (Safety and Support) Act 2025* is committed.

45B—Independent investigation agency to be constituted

(1) The Minister must ensure that a separate agency (the ***Independent Children and Young People Investigations Agency***) is constituted within the Department.

(2) The Agency consists of—

(a) the Principal Investigator; and

(b) such number of investigators as the Minister considers necessary for the proper performance of functions under this Part.

(3) The Agency is independent of direction or control by the Crown or any Minister or officer of the Crown.

45C—Functions of Agency

(1) The Agency has the following functions:

(a) to investigate complaints relating to the operation of the *Children and Young People (Safety and Support) Act 2025*;

(b) to administer the complaint management system;

(c) to refer matters of concern to the Minister, the Minister for Child Protection, the Chief Executive or any other appropriate person or body;

(d) any other functions assigned to the Agency by this Act or any other Act.

(2) Subject to this section, the Agency, or an investigator, may, for the purposes of an investigation under this Part, require a specified person (whether or not the person is a State authority, or an officer or employee of a State authority) to provide to the Agency such information or documents as may be specified in the notice (being information or documents in the possession of the person that the Agency reasonably requires for the review).

(3) A person must not refuse or fail to comply with a requirement under subsection (2).

Maximum penalty: $10 000.

(4) Subsection (3) does not apply to a prescribed person in respect of a child or young person to whom the investigation relates.

(5) Nothing in this section authorises the Agency to require a person to disclose or allow access to information or documents subject to the operation of Part 7 or 8 of the *Health Care Act 2008*.

(6) If a State authority refuses or fails to comply with a requirement under subsection (2), the Agency may, after consultation with the State authority—

(a) report the refusal or failure to the Minister and to the Minister responsible for the State authority (if any); and

(b) include details of the refusal or failure in the annual report of the Agency.

(7) In this section—

prescribed person, in respect of a child or young person, means a parent, step-parent, foster parent, brother, sister, uncle, aunt, grandfather or grandmother of the child or young person.

45D—Complaint management system

(1) The Minister must establish a system to record information relating to the making, assessment, investigation and resolution of complaints made under this Part (the ***complaint management system***).

(2) The complaint management system—

(a) must, in relation to each complaint or report entered on the system, contain such information as may be required by or under this Act; and

(b) must comply with any requirements set out in the regulations.

45E—Delegation

(1) The Principle Investigator may delegate a function of the Agency under this Act to a specified person (including, to avoid doubt, a person acting in a specified position or office).

(2) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be conditional or unconditional; and

(c) is revocable at will; and

(d) does not derogate from the ability of the Chief Executive or the Agency (as the case requires) to act in any matter.

(3) A function delegated under this section may, if the instrument of delegation so provides, be further delegated.

45F—Reporting

(1) The Agency must, on or before 31 October in each year, report to the Minister on the performance of its functions during the preceding financial year.

(2) The Agency may, at any time, prepare a special report to the Minister on any matter arising out of the performance of the Agency's functions.

(3) The Minister must, within 6 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

7B—Amendment of section 59—No obligation to maintain secrecy

Section 59—after "CACYP," insert:

the Agency,

7C—Amendment of section 62—Sharing of information between certain persons and bodies

Section 62(1)—after paragraph (ab) insert:

(ac) the Agency;

7D—Amendment of section 64—Obstruction etc

Section 64—after "CACYP," insert:

the Agency,

7E—Amendment of section 68—Protections, privileges and immunities

Section 68(1)—after "CACYP," insert:

a member of the Agency,