

EXTRAORDINARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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ADELAIDE, FRIDAY, 15 AUGUST 2014

Department of the Premier and Cabinet
Adelaide, 15 August 2014

HIS Excellency the Governor in Executive Council has noted the resignation and revoked the Commission of Hieu Van Le as Lieutenant-Governor of the State of South Australia, effective upon the swearing-in of the Lieutenant-Governor Designate, Professor Brenda Wilson.

By command,

JAY WILSON WEATHERILL, Premier

DPC14/056CS

Department of the Premier and Cabinet
Adelaide, 15 August 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint Professor Brenda Wilson as Lieutenant-Governor of the State of South Australia commencing on 15 August 2014, pursuant to the provisions of the Letters Patent dated 14 February 1986, as amended by Order in Council dated 25 October 2001, noting that the appointment of a Lieutenant-Governor will be during the Governor's Pleasure by Commission under the Public Seal of South Australia.

By command,

JAY WILSON WEATHERILL, Premier

DPC14/056CS

COMMISSION

appointing

PROFESSOR BRENDA WILSON, RN, Dip App Sc,
B Bus (Health), MBA, FAICD, FCHSE, FACN, FWSM

to be Lieutenant-Governor of the State of South Australia.

HIS Excellency Rear Admiral The Honourable Kevin John Scarce, Companion of the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

PROFESSOR BRENDA WILSON, RN, Dip App Sc,
B Bus (Health), MBA, FAICD, FCHSE, FACN, FWSM

Greeting:

IN the exercise of all enabling powers, I, the said Governor, with the advice and consent of the Executive Council do hereby:

1. Appoint you the said Brenda Wilson to be the Lieutenant-Governor in and over the State of South Australia with all the powers, rights, privileges and advantages belonging or appertaining to that Office.

2. Authorise, empower and command you to exercise and perform the powers and functions appertaining to that Office.

3. Declare that, so soon as you take the Oath of Allegiance and the Official Oath under the Letters Patent constituting the Office of Governor of the State of South Australia, this present Commission will supersede the Commission, bearing date the Twenty-third day of August, 2007, appointing Hieu Van Le, to be Lieutenant-Governor of the State of South Australia.

Given under my hand and the Public Seal of South Australia, at Adelaide this 15th day of August 2014.

By command,

JAY WILSON WEATHERILL, Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII
Clerk of Executive Council

Department of the Premier and Cabinet
Adelaide, 15 August 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Margaret Jean Nyland AM to be a Commissioner to enquire into and report upon the matters set out in the commission issued to the said the Honourable Margaret Jean Nyland AM on 15 August 2014, pursuant to the Royal Commissions Act 1917.

By command,

JAY WILSON WEATHERILL, Premier

AGO0122/14CS

HIS Excellency, Rear Admiral The Honourable Kevin John Scarce, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

THE HONOURABLE MARGARET JEAN NYLAND AM

Greeting:

Whereas:

- A. Concerns have been raised about the effectiveness of the State's child protection system to ensure the safety of children at risk of harm, including children who have been removed from their families and placed into the custody and/or under the guardianship of the Minister for Education and Child Development.
- B. The objects of the Children's Protection Act 1993, are, amongst other things, to ensure that all children are safe from harm and are, as far as practicable, cared for in a way that allows them to reach their full potential. In furtherance of those objectives, the Act provides for removal of children at risk of harm into the custody and/or under the guardianship of the Minister. Children in the custody and/or under the guardianship of the Minister may be placed in care, including in children's residential facilities and foster care arrangements as established and regulated under the Family and Community Services Act 1972.
- C. It is necessary and appropriate that the laws, policies, procedures and practices relevant to the State's child protection system be investigated as a matter of urgency to ensure such children are safe from harm and that the public can have confidence in that system and in the work of Families SA and other relevant agencies.
- D. It is necessary and desirable that a review be conducted in a manner that enables the relevant evidence to be obtained, but in a manner that does not undermine the presumption of innocence, or right to a fair trial, of any person.

I, the Governor, with the advice and consent of the Executive Council and under the Royal Commissions Act 1917, do hereby appoint you to be a Commissioner to inquire into and provide a report to me, within 12 months, on the following matters:

1. The adequacy of existing laws and policies relevant to the State's child protection system for children at risk of harm.
2. Improvements that may be made to existing laws, policies, structures and allocation of resources relevant to the State's child protection system for children at risk of harm.
3. The adequacy of existing practices and procedures adopted by Families SA and other relevant agencies, including entities licenced by the Minister, in implementing the State's child protection system for children at risk of harm.

4. Improvements that may be made to the practices and procedures of Families SA and other relevant agencies, including entities licenced by the Minister, to provide for the best practical and financially achievable implementation of the State's child protection system for children at risk of harm.

5. The inquiry into the above matters should include consideration of, but is not limited to, the following matters:

- (a) The means by which a child who may be at risk of harm is brought to the attention of relevant authorities.
- (b) The assessment, by relevant authorities, as to whether a child is at risk of harm.
- (c) The assessment, by relevant authorities, about whether to remove, or not to remove, a child from the custody and care of their guardians and to place the child in the custody and/or under the guardianship of the Minister.
- (d) Whether the environment into which a child is placed, either on a short-term or long-term basis, is safe.
- (e) The assessment, by relevant authorities, of persons who work and volunteer with children in the custody and/or under the guardianship of the Minister.
- (f) Management, training, supervision and ongoing oversight of persons who work and volunteer with children in the custody and/or under the guardianship of the Minister.
- (g) The reporting of, investigation of and handling of complaints about care concerns, abuse or neglect of children cared for in the custody and/or under the guardianship of the Minister.
- (h) The staffing of the State's child protection system to ensure the safety of children at risk of harm.

In conducting your inquiry and in your report you are required to avoid prejudicing pending or prospective criminal proceedings or investigations.

In the event that any criminal proceedings (including any associated processes such as appeals) that may bear upon the subject of this commission are disposed of within 12 months, then you may receive and consider the evidence tendered before, and findings of, any court in the course of any such proceedings, in providing your report. In the event that any criminal proceedings (including any associated processes such as appeals) that may bear upon the subject of this commission are not disposed of within 12 months, then you may receive and consider the evidence tendered before, and findings of, any court in the course of any such proceedings, and in the light of such evidence and findings and such further material that you consider it appropriate to receive or consider, you may inquire further into and provide a further report, within four months of the disposal of such proceedings, on the matters referred to in paragraphs 1-5 above.

Where you are satisfied that a particular matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding, you are not required to inquire, or to continue to inquire, into that matter and nor are you precluded from doing so.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 15th day of August 2014.

By command,

JAY WILSON WEATHERILL, Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII
Clerk of Executive Council

GOD SAVE THE QUEEN!
