

Premier Jay Weatherill

Deputy Premier John Rau

Attorney-General

Friday, 15 August, 2014

Former Supreme Court Justice Nyland named as Royal Commissioner

Former Supreme Court Justice, the Honourable Margaret Nyland AM, has been appointed as Royal Commissioner to investigate the Safety and Welfare of 'At Risk' Children.

Premier Jay Weatherill said Commissioner Nyland has had a long and distinguished career in the law and was the best choice to undertake this important work.

"Commissioner Nyland has served on the Supreme, District and Youth Court benches and has extensive experience in child protection matters," he said.

"She will be supported by child protection and legal experts while undertaking this work, and administrative assistance will be provided by the Attorney General's Department.

"The Government is committed to providing the support necessary for the Commission to be conducted effectively and efficiently.

"The management and allocation of resourcing will be a matter for Commissioner Nyland, she will have complete discretion in this regard, and the full support of the Government for any resources she may need.

"Commissioner Nyland has been asked to complete her inquiries and provide her report to the Governor within 12 months.

"The current criminal investigation will not prevent the Royal Commission from commencing its work and changes to process and procedures in relation to these matters can be recommended and acted upon prior to the final report."

Attorney General John Rau said the Terms of Reference for the Royal Commission have now been finalised.

"Following public consultation and discussions with the Leader of the Opposition, the Terms of Reference are now complete," he said.

"28 submissions were received during the public consultation and I thank those individuals and organisations who provided comments and recommendations.

"The Government has carefully considered the submissions received and has made a number of changes to the draft terms of reference, however not all submissions were accepted.

"The Government believes that the Royal Commission should focus on the safety and welfare of children within the scope of the State's child protection system, including that they are, as far as practicable, cared for in a way that allows them to reach their full potential.

“It has not, therefore, expanded the terms of reference so as to require the Royal Commission to inquire into the safety and welfare of vulnerable adults or children more generally, as some submissions recommended.”

Mr Rau said the Terms of Reference direct the Royal Commission to inquire into the adequacy of the legislation governing the State’s child protection system, and of the policies, practices and procedures of the State’s child protection authorities and other government and non-government organisations charged with the care and protection of children deemed at risk of harm.

“The Royal Commission will also inquire into the structure, staffing and resourcing of the State’s child protection system,” he said.

“The legislation, policies, practices and procedures that will be reviewed by the Royal Commission will include (but not be limited to) those addressing:

- The means by which a child who may be at risk of harm is brought to the attention of relevant authorities
- The assessment, by relevant authorities, as to whether a child is at risk of harm
- 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
- Whether the environment into which a child is placed, either on a short-term or long-term basis, is safe
- The assessment, by relevant authorities, of persons who work and volunteer with children in the custody and / or under the guardianship of the Minister
- 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
- 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

“The Terms of Reference are broad enough to allow the Royal Commission to properly investigate the issues arising from the recent allegations concerning Families SA,” Mr Rau said.

“The Royal Commission will be able to begin its work immediately, with the option of a further report following the conclusion of any criminal proceedings if necessary.”