



Children and Young Persons (Care and Protection) Amendment (Working with Children) Regulation 2013

under the

Children and Young Persons (Care and Protection) Act 1998

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Children and Young Persons (Care and Protection) Act 1998*.

VICTOR DOMINELLO, MP
Minister for Citizenship and Communities

Explanatory note

The object of this Regulation is to make amendments to the *Children and Young Persons (Care and Protection) Regulation 2012* consequential on the enactment and commencement of the *Child Protection (Working with Children) Act 2012*. The effect of this Regulation is to replace the current requirements that background checking be carried out for authorised carers and individual service providers with requirements that the authorising agency or service provider concerned be satisfied that the provision of services by authorised carers or individuals complies with the new system for working with children check clearances established under the *Child Protection (Working with Children) Act 2012*.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 137 and 264 (the general regulation-making power).

2013 No 157

Clause 1 Children and Young Persons (Care and Protection) Amendment (Working with Children) Regulation 2013

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Amendment (Working with Children) Regulation 2013**

under the

Children and Young Persons (Care and Protection) Act 1998

1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Working with Children) Regulation 2013*.

2 Commencement

This Regulation commences on 15 June 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Children and Young Persons (Care and Protection) Regulation 2012

**[1] Clause 30 Authorisation by a designated agency as an authorised
carer—general authorisation**

Omit clause 30 (3) (c) and the notes to that paragraph. Insert instead:

- (c) the agency is satisfied that the individual has complied with the requirements of the *Child Protection (Working with Children) Act 2012* for engaging in child-related work as an authorised carer, and

Note. Section 10 of the *Child Protection (Working with Children) Act 2012* requires adults residing at the homes of authorised carers (other than carers who are exempt from that Act) to hold working with children check clearances. The designated agency that authorises the authorised carer concerned must ensure that the adults comply with the requirement.

**[2] Clause 31 Authorisation by a designated agency as an authorised
carer—emergency authorisation**

Omit clause 31 (3) (b) and the notes to that paragraph. Insert instead:

- (b) the agency is satisfied that the individual has complied with any applicable requirements of the *Child Protection (Working with Children) Act 2012* for engaging in child-related work as an authorised carer, and

Note 1. The *Child Protection (Working with Children) Regulation 2013* provides for a short-term (5 consecutive working days) exemption from the requirement to hold or complete an application for a working with children check clearance.

Note 2. Section 10 of the *Child Protection (Working with Children) Act 2012* requires adults residing at the homes of authorised carers (other than carers who are exempt from that Act) to hold working with children check clearances. The designated agency that authorises the authorised carer concerned must ensure that the adults comply with the requirement.

[3] Clause 31 (5)

Omit the subclause.

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[4] Clause 31 (7) (a)

Omit the paragraph. Insert instead:

- (a) if the agency ceases to be satisfied that the individual is complying with the applicable requirements of the *Child Protection (Working with Children) Act 2012* for engaging in child-related work as an authorised carer, or

[5] Clause 32 Authorised carers authorised by Department to enable special care

Omit clause 32 (3) (a). Insert instead:

- (a) informed the Department that the special care provider is satisfied that the individual has complied with the requirements of the *Child Protection (Working with Children) Act 2012* for the child-related work as an authorised carer, and

[6] Clause 32 (3), note

Omit the notes to the subclause. Insert instead:

Note. Section 10 of the *Child Protection (Working with Children) Act 2012* requires adults residing at the homes of authorised carers (other than carers who are exempt from that Act) to hold working with children check clearances. The designated agency that authorises the authorised carer concerned must ensure that the adults comply with the requirement.

[7] Clause 33 Authorised carers authorised by designated agency to give respite to usual authorised carers

Omit clause 33 (3) (a). Insert instead:

- (a) informed the agency that the respite care provider is satisfied that the individual has complied with the requirements of the *Child Protection (Working with Children) Act 2012* for the child-related work as an authorised carer, and

[8] Clause 33 (3), note

Omit the notes to the subclause. Insert instead:

Note. Section 10 of the *Child Protection (Working with Children) Act 2012* requires adults residing at the homes of authorised carers (other than carers who are exempt from that Act) to hold working with children check clearances. The designated agency that authorises the authorised carer concerned must ensure that the adults comply with the requirement.