



Children and Young Persons (Savings and Transitional) Amendment (Accreditation) Regulation 2013

under the

Children and Young Persons (Care and Protection) Act 1998

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

PRU GOWARD, MP
Minister for Family and Community Services

Explanatory note

The object of this Regulation is to extend the interim accreditation as a designated agency of the part of the Department of Family and Community Services known as Community Services. In particular, this Regulation ensures that the interim accreditation will cease to have effect by no later than:

- (a) 31 July 2015, or
- (b) a later date that may be determined by the Children's Guardian by order published on the NSW legislation website (but only if the Children's Guardian is of the opinion that, as a result of changes or proposed changes to the administration of out-of-home care under the *Children and Young Persons (Care and Protection) Act 1998*, it is appropriate for the accreditation to continue in effect until that date).

This Regulation also makes consequential and law revision amendments.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including section 264 (the general regulation-making power) and clause 1 of Schedule 3.

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Clause 1

Children and Young Persons (Savings and Transitional) Amendment
(Accreditation) Regulation 2013

**Children and Young Persons (Savings and Transitional)
Amendment (Accreditation) 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 (Savings and Transitional) Amendment (Accreditation) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Children and Young Persons (Savings and Transitional) Regulation 2000

[1] Clause 22A Interim accreditation as designated agency

Insert after clause 22A (4):

- (5) The principal Regulation does not apply to a transitional designated agency accredited under this clause, except as provided by this Division.
- (6) This clause ceases to have effect on 14 July 2013.

[2] Clause 22AA Interim accreditation of Community Services branch

Omit clause 22AA (1). Insert instead:

- (1) The branch or part of the Department of Family and Community Services known as Community Services is taken to be accredited as a designated agency under the new Act and the regulations made under that Act.

[3] Clause 22AA (2)–(2B)

Omit clause 22AA (2). Insert instead:

- (2) Accreditation of Community Services under this clause ceases to have effect on the following date:
 - (a) 31 July 2015,
 - (b) if a later date is determined by the Children’s Guardian by order published on the NSW legislation website—that date.
- (2A) However, accreditation of Community Services under this clause ceases to have effect before that date if any of the following occurs:
 - (a) the decision on the application for accreditation by Community Services takes effect,
 - (b) the application for accreditation by Community Services is withdrawn,
 - (c) the accreditation of Community Services under this clause is cancelled.
- (2B) The Children’s Guardian may make an order under this clause in relation to the date on which accreditation under this clause ceases to have effect only if the Children’s Guardian is of the opinion that, as a result of changes or proposed changes to the

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administration of out-of-home care under the new Act, it is appropriate for the accreditation to continue in effect until that date.

Note. This is in line with the power of the Children's Guardian under clause 64 of the *Children and Young Persons (Care and Protection) Regulation 2012* to extend the period of an accreditation if of the opinion that changes or proposed changes to the administration of out-of-home care under the *Children and Young Persons (Care and Protection) Act 1998* make the extension appropriate.

- [4] **Clause 22AA (3)**
Omit "or Ageing, Disability and Home Care" where firstly occurring.
- [5] **Clause 22AA (3)**
Omit "or Ageing, Disability and Home Care (as the case may be)".
- [6] **Clause 22AA (4)**
Omit the subclause.
- [7] **Clause 22B Requirement for progressive achievement by Community Services**
Omit clause 22B (1). Insert instead:
(1) The object of this clause is to enable Community Services to progressively satisfy the accreditation criteria that apply to it, and be accredited, under Division 4 of Part 6 of the *Children and Young Persons (Care and Protection) Regulation 2012*.
- [8] **Clause 22B (2)**
Omit "The transitional designated agency".
Insert instead "Community Services".
- [9] **Clause 22B (2) and (4)**
Omit "the transitional designated agency" wherever occurring.
Insert instead "Community Services".
- [10] **Clause 22B (3)**
Omit "the designated agency concerned" wherever occurring.
Insert instead "Community Services".
- [11] **Clause 22B (5), (6) and (9)**
Omit the subclauses.

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[12] Clause 22B (7)

Omit the subclause. Insert instead:

- (7) The Children’s Guardian must report to the Minister any failure by Community Services to comply with subclause (2).

[13] Clause 22B (8)

Omit “a transitional designated agency accredited under clause 22A or 22AA”.

Insert instead “Community Services”.