



New South Wales

Children and Young Persons (Care and Protection) Amendment (Code of Conduct) 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*.

PRU GOWARD, MP
Minister for Family and Community Services

Explanatory note

The objects of this Regulation are as follows:

- (a) to repeal a provision that requires certain persons authorised to provide out-of-home care (other than by designated agencies) to comply with a code of conduct prescribed by the *Children and Young Persons (Care and Protection) Regulation 2012*, and to repeal the code of conduct (both of which expire on 28 February 2013),
- (b) to continue in force a provision (also expiring on 28 February 2013) that requires a person authorised by a designated agency to provide out-of-home care to comply with a code of conduct (contravention of which may result in the cancellation or suspension of an authorisation) and to replace the prescribed code of conduct with a code of conduct approved by the Minister for Family and Community Services and published on the relevant website of the Department of Family and Community Services,
- (c) to make an amendment in the nature of statute law revision to reinsert part of a description of medical treatment prescribed as special medical treatment for the purposes of the Act.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 137 (2), 175 and 264 (the general regulation-making power).

2013 No 72

Clause 1

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1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Code of Conduct) 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 (Care and Protection) Regulation 2012

[1] Clause 25 Special medical treatment

Insert “for the purpose of controlling his or her behaviour” after “care” in clause 25 (1) (c).

[2] Clause 34 Conditions of authorisations

Omit “Code of Conduct for Authorised Carers set out in Schedule 2” from clause 34 (4).

Insert instead “code of conduct for authorised carers”.

[3] Clause 34 (5)

Omit the subclause. Insert instead:

(5) In this clause:

code of conduct for authorised carers means the code of conduct for authorised carers approved by the Minister for the purposes of this definition and published on the relevant website of the Department, as in force from time to time.

Note. The relevant website of the Department is www.community.nsw.gov.au.

[4] Clause 43 Other authorisations

Omit clause 43 (3).

[5] Schedule 2 Code of Conduct for Authorised Carers

Omit the Schedule.