



New South Wales

Children and Young Persons (Care and Protection) Amendment (Cessation of Authorisation) Regulation 2015

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*.

BRAD HAZZARD, MP
Minister for Family and Community Services

Explanatory note

The object of this Regulation is to establish a presumption that the authorisation of a person as an authorised carer is to be cancelled in certain cases where the carer has not provided out-of-home care under the authorisation for a defined period. In such a case, the designated agency that authorised the person must cancel its authorisation unless the agency is satisfied that its authorisation should not be cancelled in the particular case.

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

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1 Name of Regulation

This Regulation is the *Children and Young Persons (Care and Protection) Amendment (Cessation of Authorisation) Regulation 2015*.

2 Commencement

This Regulation commences on 2 November 2015 and is required to be published on the NSW legislation website.

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

Clause 42CA

Insert after clause 42C:

42CA Presumption that authorisation will be cancelled

- (1) For the purposes of section 137 (2) (e) of the Act, the occurrence of any of the following events raises a presumption that the authorisation of a person as an authorised carer is to be cancelled:
 - (a) if the authorisation relates to the out-of-home care of a particular child or young person—the person has not provided out-of-home care to that child or young person for 3 months or more,
 - (b) the person has not provided out-of-home care to any child or young person under the authorisation for 2 years or more.
- (2) A designated agency must cancel its authorisation of a person as an authorised carer on the occurrence of any such event unless the agency is satisfied that its authorisation should not be cancelled in the particular case.