



New South Wales

# Children and Young Persons (Care and Protection) Amendment (Private Health Professionals) Regulation 2016

under the

Children and Young Persons (Care and Protection) Act 1998

His 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*.

BRAD HAZZARD, MP  
Minister for Family and Community Services

## Explanatory note

The object of this Regulation is to amend the *Children and Young Persons (Care and Protection) Regulation 2012* to enable certain private health professionals:

- (a) to participate in the scheme for the exchange of information in connection with the safety, welfare or well-being of children and young people established by Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, and
- (b) to report to an assessment officer of the NSW Health Service (instead of to the Secretary of the Department of Family and Community Services) when they have reasonable grounds to suspect that a child is at risk of significant harm.

This Regulation is made under the *Children and Young Persons (Care and Protection) Act 1998*, including sections 27A (10), 245B (1) (paragraph (b) of the definition of **prescribed body**) and 264 (the general regulation-making power).

## **Children and Young Persons (Care and Protection) Amendment (Private Health Professionals) Regulation 2016**

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 (Private Health Professionals) Regulation 2016*.

### **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 8 Prescribed bodies

Insert at the end of the clause:

- (2) For the purposes of paragraph (b) of the definition of *prescribed body* in section 245B (1) of the Act, the following are prescribed:
  - (a) nurses,
  - (b) registered medical practitioners,
  - (c) registered midwives,
  - (d) registered psychologists,
  - (e) persons registered under the Health Practitioner Regulation National Law to practise as occupational therapists (other than as students),
  - (f) speech pathologists eligible for membership of Speech Pathology Australia.

**Note.** The terms *nurse*, *registered medical practitioner*, *registered midwife*, *registered psychologist* and *Health Practitioner Regulation National Law* are defined in section 21 of the *Interpretation Act 1987*.

### [2] Clause 18

Omit the clause. Insert instead:

#### 18 Extension of alternative reporting arrangements to registered medical practitioners and general practice nurses

- (1) The operation of section 27A of the Act is extended to registered medical practitioners, and general practice nurses, to whom section 27 of the Act applies but who are not employed in or engaged by the NSW Health Service.
- (2) For that purpose:
  - (a) a reference in section 27A of the Act to a staff member is taken to include a reference to such a registered medical practitioner or general practice nurse, and
  - (b) the NSW Health Service is taken to be the relevant agency under section 27A of the Act in relation to any such registered medical practitioner or general practice nurse.
- (3) In this clause:

**general practice nurse** means a nurse who is employed or engaged to work in the medical practice of a general practitioner (whether or not the nurse is employed by the medical practice).

**general practitioner** means a registered medical practitioner who has qualifications in general practice recognised by the Royal Australian College of General Practitioners and who practises as a general practitioner.