



New South Wales

Child Protection (Working with Children) Amendment (Miscellaneous) Regulation (No 2) 2022

under the

Child Protection (Working with Children) Act 2012

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Child Protection (Working with Children) Act 2012*.

NATASHA MACLAREN-JONES, MLC
Minister for Families and Communities

Explanatory note

This Regulation—

- (a) requires the following persons to hold a working with children check clearance—
 - (i) the members of the governing body of entities providing specialised substitute residential care,
 - (ii) the principal officer of entities providing specialised substitute residential care,
 - (iii) the heads of child safe organisations, and
- (b) amends the groups of applicants for a working with children check clearance who may provide proof of identity otherwise than in person at a Service NSW service centre, and
- (c) makes it clear that the working with children check clearance application fee exemption does not apply to authorised residential care workers, and
- (d) makes consequential amendments.

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1 Name of Regulation

This Regulation is the *Child Protection (Working with Children) Amendment (Miscellaneous) Regulation (No 2) 2022*.

2 Commencement

This Regulation commences as follows—

- (a) for Schedule 1[1]–[6]—on 1 September 2022,
- (b) otherwise—on 18 July 2022.

Schedule 1 Amendment of Child Protection (Working with Children) Regulation 2013

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

entity has the same meaning as in the *Children's Guardian Act 2019*.
specialised substitute residential care has the same meaning as in the *Children's Guardian Act 2019*.

[2] Clause 16B Membership of governing body of certain agencies

Omit paragraph (b). Insert instead—

(b) an entity providing specialised substitute residential care,

[3] Clause 16C, heading

Omit “registered agency”.

Insert instead “entity providing specialised substitute residential care”.

[4] Clause 16C(1)

Omit “a registered agency”.

Insert instead “an entity providing specialised substitute residential care”.

[5] Clause 16C(2)

Omit the subclause. Insert instead—

(2) In this clause—

principal officer of an entity providing specialised substitute residential care has the same meaning as in the *Children's Guardian Act 2019*, section 8ZC.

[6] Clause 16CA

Insert after clause 16C—

16CA Head of child safe organisation

(1) For the Act, section 6(3)(g), the role of the head of a child safe organisation is prescribed.

(2) In this clause—

head of a child safe organisation has the same meaning as in the *Children's Guardian Act 2019*.

[7] Clause 17 Application fees

Omit clause 17(3)(a). Insert instead—

(a) authorised carers referred to in *Children and Young Persons (Care and Protection) Act 1998*, section 137(1)(b) or (c), other than authorised residential care workers within the meaning of that Act,

(a1) an adult person referred to in the Act, section 10(1),

[8] Clause 18 Proof of identity

Omit “for that purpose, if a certificate by a medical practitioner to that effect is provided to the Children's Guardian” from clause 18(3)(a).

[9] Clause 18(3)(b1)

Omit the paragraph.