



New South Wales

# Children's Guardian Amendment Regulation 2022

under the

Children's Guardian Act 2019

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children's Guardian Act 2019*.

NATASHA MACLAREN-JONES, MLC  
Minister for Families and Communities

## Explanatory note

The object of this Regulation is to amend the *Children's Guardian Regulation 2022* consequential on the passage of the *Children's Guardian Amendment Act 2022*, and the inclusion in the *Children's Guardian Act 2019* of a definition of *residential care worker*.

## **Children's Guardian Amendment Regulation 2022**

under the

Children's Guardian Act 2019

### **1 Name of Regulation**

This Regulation is the *Children's Guardian Amendment Regulation 2022*.

### **2 Commencement**

This Regulation commences as follows—

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

## Schedule 1 Amendment of Children's Guardian Regulation 2022

### [1] Section 4 Residential care workers

Omit section 4(1). Insert instead—

- (1) For the Act, definition of *residential care worker*, paragraph (b) the following persons are prescribed—
  - (a) a person who provides security services in a residential setting for a residential care provider,
  - (b) a person who spends 60% or more of the time the person works for a residential care provider in a residential setting doing the following—
    - (i) developing or implementing case management plans for children in statutory out-of-home care or supported out-of-home care,
    - (ii) providing administrative support.

### [2] Section 9 Residential care provider must conduct certain checks—the Act, s 85(2)(d)

Omit “must, before undertaking a referee check for an applicant,” from section 9(1).

Insert instead “that proposes to conduct a referee check of an applicant must, before conducting the check,”.

### [3] Section 10 Information to be recorded on register—the Act, s 85(2)(a)

Omit “of the applicant” from section 10(1). Insert instead “of an applicant”.

### [4] Section 14A

Insert after section 14—

#### 14A Advanced stage in a recruitment process

For the Act, section 85(3), definition of *advanced stage*, the stage in a recruitment process at which the residential care provider decides to conduct a referee check of the applicant is prescribed.

### [5] Schedule 2 Dictionary

Omit the definition of *applicant*. Insert instead—

*applicant* means a person who has applied to be a residential care worker.