



New South Wales

Civil Liability Amendment (Authorised Carers) Regulation 2022

under the

Civil Liability Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Liability Act 2002*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to amend the *Civil Liability Regulation 2019* to provide that certain persons who, for the purpose of providing residential care to children and young people in out-of-home care, are authorised carers under the *Children and Young Persons (Care and Protection) Act 1998* are taken, for the purposes of the *Civil Liability Act 2002*, to be employees.

The amendment is consequential on the commencement of the *Children's Guardian Regulation 2022* and the establishment of the residential care workers register.

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1 Name of Regulation

This Regulation is the *Civil Liability Amendment (Authorised Carers) Regulation 2022*.

2 Commencement

This Regulation commences on 18 July 2022.

3 Amendment of Civil Liability Regulation 2019

Insert after clause 5—

5A Individual akin to an employee—the Act, s 6G(4)

- (1) Despite the Act, section 6G(3)(b) an individual is akin to an employee if—
 - (a) the activities carried out by the individual are carried out in the individual's capacity as an authorised residential care worker, and
 - (b) the individual is otherwise akin to an employee for the Act, section 6G.
- (2) In this clause—

authorised residential care worker has the same meaning as in the *Children and Young Persons (Care and Protection) Act 1998*.