



New South Wales

Children's Guardian Amendment (Code of Practice) Regulation 2024

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the following Acts—

- (a) the *Children's Guardian Act 2019*,
- (b) the *Child Protection (Working with Children) Act 2012*.

KATE WASHINGTON, MP
Minister for Families and Communities

Explanatory note

The objects of this regulation are as follows—

- (a) to prescribe a code of practice to ensure designated agencies and adoption service providers comply with the national Child Safe Standards,
- (b) to prescribe procedures and criteria for granting exemptions for classes or kinds of conduct under the *Children's Guardian Act 2019*, section 30,
- (c) to amend the definition of **relevant individual** to align the residential care provider check requirement for workers currently and previously engaged by a residential care provider other than the provider conducting the check,
- (d) to require a residential care provider that seeks to re-engage a former residential care worker within 12 months to undertake a residential care provider check if the former worker is a relevant individual,
- (e) to prescribe certain offences in the *Children's Guardian Act 2019*, the *Children's Guardian Regulation 2022* and the *Child Protection (Working with Children) Act 2012* as penalty notice offences.

This regulation is made under the following Acts—

- (a) the *Children's Guardian Act 2019*, including sections 8DA, 30, 85, 172(2) and 184, the general regulation-making power,
- (b) the *Child Protection (Working with Children) Act 2012*, including sections 50A(2) and 52, the general regulation-making power.

Children's Guardian Amendment (Code of Practice) Regulation 2024

1 Name of regulation

This regulation is the *Children's Guardian Amendment (Code of Practice) Regulation 2024*.

2 Commencement

This regulation commences as follows—

- (a) for Schedule 1[2] and [3]—on 1 July 2025,
- (b) for Schedule 1[4], [5], [7]–[9] and [13]–[15]—on 1 October 2025,
- (c) otherwise—on the day on which this regulation is published on the NSW legislation website.

Schedule 1 Amendment of Children's Guardian Regulation 2022

[1] Section 4 Residential care workers

Omit section 4(2). Insert instead—

- (2) The provisions of this regulation relating to the residential care workers register do not apply to a person who—
 - (a) is authorised or provisionally authorised as an authorised carer under the *Children and Young Persons (Care and Protection) Regulation 2022*, section 18 or 19, and
 - (b) only provides statutory out-of-home care or supported out-of-home care in a private capacity.

[2] Section 11 Residential care worker recommencing work within 12 months

Omit section 11(2)(b). Insert instead—

- (b) must check the residential care workers register to see if the person is a relevant individual for another residential care provider, and
- (c) if the register indicates the person is a relevant individual for another residential care provider—must undertake a residential care provider check under section 8, and
- (d) may undertake a nationwide criminal record check.

[3] Section 14

Omit the section. Insert instead—

Section 14 Residential care provider must update register in certain circumstances—the Act, s 85(2)(c)

- (1) A residential care provider must, within 14 business days after a person ceases to work as a residential care worker with the provider, update the residential care workers register—
 - (a) to record the date the person ceased work, and
 - (b) if the provider has relevant information to disclose about the person—to indicate the provider has relevant information to disclose.
- (2) A residential care provider must, as soon as practicable after becoming aware of relevant information about a person currently engaged by the provider as a residential care worker, update the register to indicate the provider has relevant information to disclose.

[4] Section 30A

Insert after section 30—

30A Code of practice for designated agencies

For the Act, section 8DA(1), the code of practice in Schedule 3A is prescribed for designated agencies.

[5] Section 51A

Insert after section 51—

51A Code of practice for adoption service providers

For the Act, section 8DA(1), the code of practice in Schedule 3A is prescribed for adoption service providers.

[6] Section 65

Insert after section 64—

65 Procedure and criteria for exempting conduct from notification

- (1) For the Act, section 30(2)(a), the Children's Guardian must consult on the proposed exemption with persons or other bodies that, in the Children's Guardian's opinion, are relevant, including the following—
 - (a) the relevant entity intended to be subject to the exemption,
 - (b) if applicable—the relevant regulator or the representative body of the relevant entity.
- (2) For the Act, section 30(2)(b), the prescribed criteria a relevant entity must satisfy for a class or kind of conduct of its employees to be exempt is that—
 - (a) the relevant entity has—
 - (i) systems and practices that comply with the Act, section 54(2) for identifying and responding to reportable allegations and convictions, and
 - (ii) a consistent record of identifying and responding to reportable allegations and convictions in accordance with the Act, or
 - (b) the relevant entity must be required to report the class or kind of conduct of its employees to a relevant regulator, or
 - (c) the relevant entity must be a member of a representative body that provides advice, guidance and support on matters under the reportable conduct scheme.
- (3) In this section—

relevant regulator means a body, other than the Children's Guardian, that, under a State, Territory or Commonwealth law—

 - (a) the relevant entity must notify in relation to reports about the class or kind of conduct proposed to be exempted, and
 - (b) must respond, or oversee the relevant entity's response, to the class or kind of conduct proposed to be exempted.

representative body means a body that—

 - (a) is an organisation of which the relevant entity is a member, and
 - (b) provides advice, support and guidance to the relevant entity on matters under the reportable conduct scheme.

[7] Schedule 3A

Insert after Schedule 3—

Schedule 3A Code of practice for designated agencies and adoption service providers

sections 30A and 51A

Part 1 General

1 Definitions

In this schedule—

caregiver means the following—

- (a) a relevant authorised carer within the meaning of the Act, section 85(1B)(a),
- (b) an applicant within the meaning of the *Adoption Act 2000*, Chapter 4, Part 3 or 3A,
- (c) a prospective guardian within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

critical event—see section 16.

entity means—

- (a) a designated agency, or
- (b) an adoption service provider.

practice requirement means a practice requirement set out in Part 3.

2 Application of code

This code of practice applies to the following entities—

- (a) designated agencies,
- (b) adoption service providers.

3 Objects of code

The objects of this code of practice are as follows—

- (a) to promote the safety, welfare, wellbeing, rights and best interests of children—
 - (i) in out-of-home care, or
 - (ii) the subject of an adoption arrangement,
- (b) to facilitate compliance with the Child Safe Standards,
- (c) to establish practice requirements for entities,
- (d) to set out the steps that must be taken by an entity to obtain and maintain accreditation under the Act.

Part 2 Guiding principles

4 Guiding principles

- (1) The principal officer of a designated agency must ensure that, in arranging or providing out-of-home care, the agency is guided by the principles set out in this part.
- (2) The principal officer of an adoption service provider must ensure that, in providing an adoption service, the provider is guided by the principles set out in this part.

5 Best interests of children

The best interests of the child must be the paramount consideration in all decisions that affect a child's life.

6 Right to safety

A child has a right to be safe and to be cared for in safe, nurturing, stable and secure care environments.

7 Trauma-informed care

A child in out-of-home care or the subject of an adoption arrangement may have experienced abuse or neglect and require the support of caregivers and staff who understand the impact of trauma on psychosocial, psychological and physical development.

8 Right to participate

- (1) A child has a right to participate in decisions that affect the child's life.
- (2) Decision-making must take account of the child's views, preferences, personal goals and aspirations.

9 Diversity and inclusion

All decisions about a child must take into account the child's—

- (a) culture and language, and
- (b) religion and spirituality, and
- (c) gender identity and sexuality, and
- (d) if the child lives with a disability—strengths and needs.

10 Role of family, kin and community

Decision-making must be collaborative and support the participation of a child's family, kin and community.

11 Openness in adoption

- (1) An adopted child has a right to—
 - (a) be given information on the child's family history, and
 - (b) be supported to understand why the child was adopted, and
 - (c) experience connections to family and culture.
- (2) The adoptive parents of an adopted child must demonstrate a commitment and capacity to support openness in adoption to meet the child's lifelong identity needs.

12 Aboriginal and Torres Strait Islander Children and Young Persons Principle

Decisions about the lives of Aboriginal and Torres Strait Islander children must be made by applying each of the elements of the Aboriginal and Torres Strait Islander Children and Young Persons Principle referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 12A.

13 Principle of active efforts

Decisions about placement or casework must be made with regard to the principle of active efforts referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 9A.

Part 3 Practice requirements

Division 1 Preliminary

14 Compliance with practice requirements

- (1) The principal officer of a designated agency must ensure the agency complies with the practice requirements that apply to designated agencies.
- (2) The principal officer of an adoption service provider must ensure the provider complies with the practice requirements that apply to adoption service providers.
- (3) Nothing in this code of practice affects an entity's obligations under a NSW or Commonwealth privacy law.

15 Nature of practice requirements

- (1) For the Act, section 8DA(6)(a), the following practice requirements are steps that must be taken to implement the corresponding Child Safe Standards—
 - (a) practice requirement 1—Child Safe Standard 1,
 - (b) practice requirement 2—Child Safe Standard 2,
 - (c) practice requirement 3—Child Safe Standard 3,
 - (d) practice requirement 4—Child Safe Standard 4,
 - (e) practice requirement 5—Child Safe Standards 5 and 7,
 - (f) practice requirement 6—Child Safe Standard 6,
 - (g) practice requirement 7—Child Safe Standard 8,
 - (h) practice requirement 8—Child Safe Standards 9 and 10.
- (2) For the Act, section 8DA(7), the practice requirements are steps that must be taken to obtain and maintain accreditation under the Act.

16 Meaning of "critical event"

- (1) In this regulation, a *critical event* means an incident or circumstances with significant actual or potential impact on the safety, welfare or wellbeing of a child—
 - (a) in the care of an entity, or
 - (b) to whom an entity has a supervisory responsibility.
- (2) A critical event includes the following—
 - (a) the death of, or a serious injury to—
 - (i) the child, or
 - (ii) an authorised carer of the child,
 - (b) the child going missing,
 - (c) the child—
 - (i) becoming pregnant, or
 - (ii) requesting a termination of a pregnancy,
 - (d) the child intending to get married,
 - (e) the child being exposed to—
 - (i) a confirmed or suspected registrable person under the *Child Protection (Offenders Registration) Act 2000*, section 3A, or

- (ii) a person listed on the Child Protection Register under the *Child Protection (Offenders Registration) Act 2000*, section 19,
- (f) an allegation that the child has committed a serious criminal offence,
- (g) a planned end-of-life event for the child,
- (h) a reportable allegation or conviction relating to a staff member of the entity,
- (i) a finding by the entity that a person has engaged in conduct set out in the *Child Protection (Working with Children) Act 2012*, Schedule 1, clause 2,
- (j) a cancellation or suspension of the entity's accreditation as a designated agency or adoption service provider,
- (k) an event affecting the child that has the potential to—
 - (i) become a matter of public interest, or
 - (ii) result in a potential loss of public confidence, or
 - (iii) result in media attention requiring a media response.

Division 2 Practice requirement 1—governance and leadership

17 Systems, policy and procedure

- (1) An entity must clearly document—
 - (a) the persons to whom the entity delegates its functions, and
 - (b) the decisions of its governing body and the reasons for the decisions.
- (2) An entity must have policies and processes for managing conflicts of interest.
- (3) An entity must have systems, policies and procedures that set out the entity's commitment to child safety and how the entity will achieve that commitment.

18 Principal officer and governing body

- (1) An entity must have a transparent recruitment process for the entity's principal officer and the members of its governing body, including—
 - (a) keeping records of recruitment or nomination processes, and
 - (b) completing probity and suitability checks.
- (2) An entity's principal officer and governing body must have, or have access to, expertise in—
 - (a) child protection, and
 - (b) if the entity provides out-of-home care—out-of-home care, and
 - (c) if the entity is an adoption service provider—adoption services.
- (3) An entity's governing body must understand, and have the skills necessary to fulfil, its roles and responsibilities.

19 Staff

- (1) An entity's staff must report information to the entity's principal officer and governing body about risks to the safety, welfare or wellbeing of children, including the following—
 - (a) critical events,
 - (b) complaints,
 - (c) reportable allegations.

- (2) An entity must ensure staff who work with and care for children have the training, supervision, support and resources necessary to perform their roles.

Division 3 Practice requirement 2—supporting participation of children

20 Application of division

In the application of this division, an entity must have due regard to the age and developmental capacity of a child.

21 Information

- (1) An entity must—
- (a) give a child a copy of the Charter of Rights prepared under the *Children and Young Persons (Care and Protection) Act 1998*, section 162, and
 - (b) explain the Charter of Rights to the child in a way the child can understand.
- (2) An entity must give information to a child in a way the child can understand, taking into account the child's age, capacity and development, to help the child make informed decisions about and, if relevant, give consent to guardianship or adoption.
- (3) An entity must support a child to access information about the child and the child's family and care history.
- (4) An entity must uphold a child's right to privacy and confidentiality.

22 Decisions involving a child

- (1) An entity must support a child to—
- (a) make informed choices about the child's personal appearance, personal space, name and identity, and
 - (b) maintain relationships with siblings and peers in accordance with the child's wishes and best interests.
- (2) An entity must ensure—
- (a) if possible and appropriate—meetings and discussions about decisions that affect a child's life occur in a place and at a time that supports the child's participation, or
 - (b) if the child does not attend formal meetings—the child's views are gathered in other ways.
- (3) If a child can form the child's own views about the child's safety, welfare and wellbeing, an entity must ensure—
- (a) the child is given the opportunity to express the child's views, and
 - (b) the entity gives the child's views due weight.
- (4) An entity must explain decisions to a child in a way the child can understand.

Division 4 Practice requirement 3—participation of family and community

23 Family and community

- (1) An entity must take all reasonable steps to locate and gather information about a child's parents, extended family and community.

- (2) An entity must, if possible and appropriate, support the following persons (*relevant persons*) to participate in making decisions about a child's life, including inviting the persons to meetings—
 - (a) the child's parents,
 - (b) the child's extended family,
 - (c) members of the child's community,
 - (d) other persons who have a close connection with the child.
- (3) An entity must, if a relevant person does not want to participate in making decisions, ensure the person's views are gathered in other ways.
- (4) An entity must give a relevant person for a child information about the child's placement and progress in care—
 - (a) to the extent it is safe to do so, and
 - (b) having consideration for the child's wishes, and
 - (c) in accordance with the children's care legislation.
- (5) An entity must, if possible and appropriate—
 - (a) give a relevant person information about how to contact the entity, and
 - (b) be responsive to the person's requests and concerns.
- (6) An entity must give the parents and family of a child information about future care options for the child—
 - (a) in a way the parents and family can understand, and
 - (b) to help the parents and family—
 - (i) participate in decision-making processes, and
 - (ii) make informed decisions about restoration, guardianship or adoption, and
 - (iii) if relevant, give informed consent to adoption.
- (7) An entity must give parents and family information and support to facilitate restoration where relevant and appropriate.

Division 5 Practice requirement 4—meeting individual needs of children

24 Case plans, documentation and record keeping

- (1) An entity must ensure a child has a case plan that addresses all the child's care needs and sets out responsibilities and timeframes for completing casework tasks.
- (2) The entity must review the case plan—
 - (a) at least annually, and
 - (b) if there is an unplanned placement change or a significant change in the child's circumstances.
- (3) An entity must maintain accurate, up-to-date information and records about a child, including records of casework and the reasons for casework decisions, including placement decisions.
- (4) An entity must work collaboratively with other persons responsible for providing care and support to a child, the child's carers and the child's family, including sharing information relating to the child's safety, welfare and wellbeing in accordance with the children's care legislation.

- (5) An entity must ensure the following persons are given information about, and supported to engage in the development and review of, a child's case plan—
 - (a) the child,
 - (b) the child's family,
 - (c) persons who are important to the child and to the child's family,
 - (d) the child's caregivers.

25 Health and education

- (1) An entity must review a child's health and educational needs at least annually, as part of the annual case plan review.
- (2) An entity must support a child to—
 - (a) attend an appropriate educational institution, and
 - (b) access health services.
- (3) An entity must ensure—
 - (a) a child's health and educational needs are addressed as required, and
 - (b) recommendations for further assessment, treatment, supports or interventions are followed up.
- (4) An entity must support Aboriginal and Torres Strait Islander children to access culturally appropriate health services.

26 Social and emotional development, identity and connections to family and culture

- (1) An entity must support a child to—
 - (a) develop and maintain safe and healthy peer relationships, and
 - (b) engage in social and recreational activities, and
 - (c) develop and maintain connections with the child's community, culture, language and spirituality.
- (2) An entity must include a child's family and persons who are important to the child in decisions about how to support cultural and community connections.
- (3) The entity must support the child's relationships with the child's family and persons who are important to the child in accordance with the child's wishes and best interests.
- (4) An entity must—
 - (a) develop restoration, adoption and guardianship plans for a child in consultation with the child's birth family, and
 - (b) ensure an adoption or guardianship plan includes strategies to support ongoing family contact and connections to culture.
- (5) An entity must—
 - (a) undertake life story work, and
 - (b) record a child's achievements and important milestones, and
 - (c) assist carers to participate in life story work with the child and support family contact if appropriate.
- (6) An entity must gather and keep safe a child's personal belongings, photos, mementos and important family information.
- (7) In this section—

life story work means assisting a child to understand the child's personal history, including—

- (a) assisting the child to gather knowledge about the child's family, heritage, culture, community and history in care, and
- (b) creating a record of the important events in the child's life.

27 Behaviour support

- (1) An entity must develop a behaviour support plan for a child if the child has behaviour support needs requiring a planned, consistent response from the child's caregivers and the entity's staff, including if—
 - (a) the child is prescribed psychotropic medication, or
 - (b) practices that restrict the child's ordinary freedoms are used to support positive behaviour change.
- (2) The behaviour support plan must include strategies to develop the child's capacity to manage the child's own emotions and behaviours, with input from—
 - (a) the child, and
 - (b) the child's caregivers, and
 - (c) the entity's staff and relevant professionals.
- (3) The entity must review the behaviour support plan—
 - (a) at the request of the child, the child's caregivers or the entity's staff, and
 - (b) if the child's medication or behaviour changes, and
 - (c) as recommended by a relevant professional or, if a relevant professional makes no recommendation, at least annually.
- (4) The entity must—
 - (a) provide appropriate training and supervision to persons implementing the behaviour support plan, and
 - (b) communicate changes to the behaviour support plan to all persons who work with or care for the child.
- (5) An entity must ensure there are clear protocols about the use of police to respond to challenging or risk-taking behaviour by a child.
- (6) In this section—

relevant professional means—

 - (a) a medical practitioner who provides to the child therapeutic treatment relevant to behaviour support, such as prescribing a psychotropic medication, or
 - (b) a psychologist, occupational therapist, social worker or equivalent professional with specialist training and expertise in behaviour support who provides therapeutic or behaviour support to the child.

28 Preparing for adulthood

- (1) A designated agency's work to prepare a child for adulthood must—
 - (a) start when the child is 15 years of age, and
 - (b) include supporting the child to—
 - (i) develop and practise independent living skills, and

- (ii) make informed choices about housing, health services, employment and further education, and
 - (iii) independently maintain safe and positive relationships with the child's family and community.
- (2) A designated agency must, for a child transitioning into independence, develop a leaving out-of-home care plan with the child, persons involved in the child's care, the child's family and persons of significance to the child.
- (3) A designated agency must ensure—
 - (a) a child, before reaching 18 years of age, has a leaving out-of-home care plan that reflects the child's circumstance and wishes, and
 - (b) the plan takes account of the child's—
 - (i) culture and language, and
 - (ii) disability, if any, and
 - (iii) gender identity and sexuality, and
 - (c) the plan sets out—
 - (i) the financial assistance to be provided to the child, and
 - (ii) where the child will live.
- (4) A designated agency must give a child the following—
 - (a) the child's life story material collected under section 22(5) and (6),
 - (b) the child's original identity documents,
 - (c) information about how to access—
 - (i) care records in accordance with the children's care legislation, and
 - (ii) after-care support.
- (5) In this section—
leaving out-of-home care plan means a plan under the *Children and Young Persons (Care and Protection) Act 1998*, section 166.

29 Post-adoption support by adoption service providers

- (1) An adoption service provider must give information about post adoption support services to—
 - (a) the adopted child, and
 - (b) the child's adoptive family, and
 - (c) the child's birth family.
- (2) An adoption service provider must, where relevant, make referrals to post adoption support services or other relevant services.
- (3) An adoption service provider may implement supports agreed to in an adoption plan.
- (4) An adoption service provider must provide support to a person affected by adoption when the person accesses the person's adoption information.
- (5) An adoption service provider must provide adoption information in accordance with the children's care legislation.

Division 6 Practice requirement 5—persons who work with and care for children are suitable and supported

30 Suitability

- (1) An entity must undertake an assessment and authorisation of caregivers in accordance with the children's care legislation, including completing mandatory suitability and probity checks.
- (2) An entity must undertake checks and record information on the carers register, the residential care workers register and the adoption register in accordance with the requirements of the children's care legislation.
- (3) An entity must assess a person's suitability to work with children, including the person's skills and experience, when recruiting and selecting staff.
- (4) An entity must have a recruitment and retention strategy for staff and caregivers that is relevant to the entity's circumstances and takes into account the cultural backgrounds of the children in the entity's care.
- (5) An entity must keep, and store securely and treat with confidentiality, records for staff and caregivers, including records relating to the following—
 - (a) recruitment and selection,
 - (b) appointments, authorisations, approvals and engagements,
 - (c) personal details,
 - (d) allegations and complaints,
 - (e) supervision and performance management.

31 Support and training

- (1) An entity must provide relevant training to the following persons before the authorisation or approval of the persons—
 - (a) prospective carers,
 - (b) prospective guardians,
 - (c) prospective adoptive parents.
- (2) An entity must provide relevant training to a staff member at the commencement of the staff member's engagement.
- (3) An entity must provide the following to persons who work with and care for children—
 - (a) regular supervision and support,
 - (b) opportunities to raise concerns and seek additional support and training.
- (4) An entity must review the training and support needs of caregivers at least annually.
- (5) An entity must have processes for—
 - (a) reviewing the performance of staff, and
 - (b) identifying training and support needs.
- (6) An entity must—
 - (a) provide ongoing training opportunities for persons who work with and care for children, and
 - (b) have a planned approach to ongoing education and training.

- (7) An entity must give persons who care for children information about other carer support services and advocacy organisations.

Division 7 Practice requirement 6—child protection and child safety

32 Training and procedures

- (1) An entity must give a person who works with and cares for children—
- (a) information about the person's responsibility to report concerns about risks to child safety, and
 - (b) training on child protection and child safety, including how to talk to children about protective behaviours, and
 - (c) training on how to respond to disclosures of harm made by a child.
- (2) An entity must—
- (a) help a child recognise when a person is behaving inappropriately towards the child, and
 - (b) give the child information about how to raise concerns about the child's safety or wellbeing.
- (3) An entity must—
- (a) give a child regular and direct access to a caseworker or a staff member of the entity, and
 - (b) support the child to raise concerns or make complaints, including by providing opportunities to speak with a caseworker or a staff member of the entity who is not the person who provides the child with day-to-day care, and
 - (c) provide timely updates to the child about actions taken in response to the child's concern or complaint.
- (4) An entity must—
- (a) identify concerns about risks to a child's safety, and
 - (b) respond promptly to manage immediate risks to a child, and
 - (c) if a child is at risk of significant harm—report the risk in accordance with the *Children and Young Persons (Care and Protection) Act 1998*, Chapter 3, Part 2.
- (5) An entity must have appropriate policies, practices and procedures in place to identify, report, manage and review all incidents affecting the safety or wellbeing of a child.
- (6) An entity must give clear information to persons who work with and care for children about roles, responsibilities and expectations in relation to behaviour towards children.
- (7) An entity must provide a child with education, appropriate to the child's age and stage of development, about sexuality and healthy relationships.

33 Responses

- (1) For a critical event, an entity must—
- (a) report the critical event to the entity's principal officer and governing body, and

- (b) record and review the causes and circumstances of the critical event, and
 - (c) implement recommendations following the review of the critical event, and
 - (d) take prompt action to address risks identified from the critical event, and
 - (e) provide support to children, caregivers, staff and the child's family members involved in or affected by the critical event.
- (2) An entity must, in accordance with the children's care legislation—
- (a) investigate a reportable allegation or determine whether a conviction is a reportable conviction, and
 - (b) give the person the subject of a reportable allegation or a potential reportable conviction support and information about the reportable conduct process, and
 - (c) report and record reportable allegations and reportable convictions, and
 - (d) implement recommendations arising from a reportable conduct scheme investigation or another child protection investigation.
- (3) An entity must, in relation to an investigation referred to in subsection (2), support the child involved and give the child information about the investigation process.

Division 8 Practice requirement 7—providing safe and suitable care environments

34 Giving information

- (1) An entity must give a child information about the child's proposed placement in a way that is appropriate for the child's age and stage of development.
- (2) An entity must give a person who cares for children information about a child who may be placed with the person to assist the person to decide whether the person has the capacity to meet the child's needs.

35 Placement decisions

- (1) An entity must consider continuity of care and relationships in placement decisions.
- (2) In making placement decisions, an entity must—
 - (a) consider a child's wishes, and
 - (b) consider the needs of children already in the placement, and
 - (c) consider the capacity of the proposed placement to meet the child's needs, and
 - (d) if necessary—have strategies to manage relationships and interactions within the placement.
- (3) Placement decisions must be informed by the following—
 - (a) the principle of active efforts referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 9A,
 - (b) the permanent placement principles referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 10A,

- (c) the Aboriginal and Torres Strait Islander Children and Young Persons Principle referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 12A,
- (d) the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles referred to in the *Children and Young Persons (Care and Protection) Act 1998*, section 13,
- (e) if the decision relates to the adoption of a child—the *Adoption Act 2000*, Chapter 2.

36 Supervision of placement

An entity must ensure a child—

- (a) is visited in the child's care environment on a regular basis by a caseworker or a staff member of the entity, and
- (b) has information about who to contact if the child needs urgent assistance after hours.

37 End or change of placement

- (1) An entity must promptly address issues and concerns that may lead to an unplanned end to a placement, including arranging respite or other support for the child's caregivers.
- (2) If a change of placement for a child is required, an entity must—
 - (a) support the child through the change, and
 - (b) give relevant information about the child to the new carer or entity.

38 Permanent placements

- (1) An entity must include in a child's case plan—
 - (a) an appropriate goal (a *permanency goal*) relating to the permanent care of the child, including restoration, adoption, guardianship or long-term out-of-home care, and
 - (b) casework tasks to achieve the permanency goal.
- (2) If guardianship or adoption is being considered for a child, an entity must consider the capacity of the prospective guardians or prospective adoptive parents to—
 - (a) independently meet the child's needs, and
 - (b) support ongoing contact with the child's birth family.

39 Child safety

- (1) An entity must continuously monitor the safety and suitability of a care environment.
- (2) An entity must assist persons who work with and care for children to have—
 - (a) conversations about online safety, and
 - (b) access to information about online risks and how to manage the risks.

Division 9 Practice requirement 8—quality assurance and continuous improvement

40 Compliance with Child Safe Standards and this code

- (1) An entity must have processes to assess the entity's compliance with the Child Safe Standards and this code on a continuous basis.
- (2) An entity must implement strategies to improve the entity's practice if it identifies non-compliance with the Child Safe Standards or this code.
- (3) An entity must—
 - (a) have policies and procedures that set out how the entity will deliver services in accordance with the Child Safe Standards and this code, and
 - (b) make the policies and procedures accessible to staff and easy to understand, and
 - (c) verify that staff understand and implement the policies and procedures, and
 - (d) review and update the policies and procedures to reflect changes in legislation, policy or relevant practices.
- (4) An entity's governing body must consider the capacity of the entity to maintain compliance with the Child Safe Standards and this code before expanding the entity's services.

41 Ongoing improvement

- (1) An entity must seek feedback on the following from children, children's families and persons who work with and care for children—
 - (a) the services provided by the entity,
 - (b) opportunities to improve the entity's practice.
- (2) An entity must review critical events and complaints to identify opportunities to improve the entity's practice.

[8] Schedule 4 Code of practice for entities providing specialised substitute residential care

Omit section 1, definition of *staff*.

[9] Schedule 5 Conditions of accreditation—adoption service providers

Omit section 8(3), definition of *staff member*.

[10] Schedule 7 Penalty notice offences

Insert in appropriate order under the heading **Offences under the Act**—

Section 8DA(5)	\$550
Section 8V(2)	\$275
Section 29(4)	\$550
Section 36(1)	\$550
Section 36(2)	\$550
Section 97(2) for breach of the condition in this regulation, section 58(4)	\$110
Section 152F(1)—	

(a) for a corporation	\$5,500
(b) otherwise	\$1,100
Section 152J(1)—	
(a) for a corporation	\$11,000
(b) otherwise	\$2,200
Section 161(1)	\$550
Section 169(1)	\$550
Section 180(2)	\$550
Schedule 2, clause 15(1)	\$550
Schedule 2, clause 16(1)	\$550
Schedule 2, clause 18	\$550
Schedule 2, clause 29(2)	\$550
Schedule 2, clause 29(3)	\$3,300

[11] Schedule 7

Omit paragraphs (b) and (c) from the matter relating to section 97(2) for breach of the condition in the *Children's Guardian Regulation 2022*, section 58.

Insert instead—

(b) Schedule 6, sections 7, 9, 10, 15, 19 and 20	\$1,100
(c) Schedule 6, sections 11, 21 and 22	\$550

[12] Schedule 7

Omit paragraphs (b) and (c) from the matter relating to section 59A for failure to comply with the condition in section 58(2).

Insert instead—

(b) Schedule 6, sections 7, 9, 10, 15, 19 and 20	\$1,100
(c) Schedule 6, sections 11, 21 and 22	\$550

[13] Schedule 8 Dictionary

Insert in alphabetical order—

critical event, for Schedule 3A—see Schedule 3A, section 1.

[14] Schedule 8, definition of “relevant individual”

Omit the definition. Insert instead—

relevant individual, for a residential care provider, means a person about whom the residential care provider has recorded on the residential care workers register that there is relevant information to disclose.

[15] Schedule 8, definition of “staff”

Omit the definition. Insert instead—

staff, of an entity providing specialised substitute residential care, a designated agency or an adoption service provider (an *entity*), includes—

- (a) a member of the governing body of the entity, and
- (b) a person engaged, whether or not the person is paid, to provide or assist in providing, or otherwise in connection with the provision of, services by the entity.

Schedule 2 Amendment of Child Protection (Working with Children) Regulation 2013

Schedule 2 Penalty notice offences

Insert in appropriate order under the heading **Offences under the Act**—

Section 8(1)	—	\$2,750
Section 8(2)	—	\$2,750
Section 9(1)	\$2,750	\$1,100
Section 9B(2)	\$2,750	\$1,100
Section 9B(4)	\$2,750	\$1,100
Section 40(2)	\$2,750	\$1,100
Section 45A	—	\$275