

# Children's Guardian (Transitional) Regulation 2020

[2020-63]



New South Wales

## Status Information

### Currency of version

Historical version for 15 May 2020 to 10 December 2020 (accessed 9 November 2024 at 19:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Statute Law \(Miscellaneous Provisions\) Act 2020 No 30](#), Sch 1.10 (not commenced — to commence on 11.12.2020)
- **Expiry**  
This Regulation expires at the end of 2.3.2022 — see clause 3.
- **Proposed repeal**  
Cl 9 of this Regulation is to be repealed on the commencement of a regulation made under sec 17(1)(b) of the [Children's Guardian Act 2019](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 27 October 2020

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New South Wales

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# Children's Guardian (Transitional) Regulation 2020



New South Wales

## 1 Name of Regulation

This Regulation is the *Children's Guardian (Transitional) Regulation 2020*.

## 2 Commencement

This Regulation commences on 1 March 2020.

## 3 Declaration that regulation is a transitional regulation—Act, Sch 4, cl 1

This Regulation is a transitional regulation.

### Note—

This Regulation expires at the end of 2 March 2022.

## 4 Definitions

(1) In this Regulation—

**commencement** means the commencement of this Regulation.

**the Act** means the *Children's Guardian Act 2019*.

### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## 5 Existing exemptions under *Ombudsman Act 1974*

(1) An exemption of a class or kind of conduct of employees under repealed section 25CA of the *Ombudsman Act 1974* in force immediately before the commencement continues to have effect until a regulation is made under section 30 of the *Children's Guardian Act 2019*.

(2) A list of the exemptions may be obtained, free of charge, from the Office of the

Children's Guardian.

## **6 Employer's authorities and exemptions**

- (1) An employer's authority granted by the Children's Guardian under repealed Schedule 2 to the *Children and Young Persons (Care and Protection) Act 1998* in force immediately before the commencement—
  - (a) is taken to be an employer's authority granted under section 95 of the *Children's Guardian Act 2019*, and
  - (b) is subject to the same conditions the authority was subject to under the *Children and Young Persons (Care and Protection) Act 1998*.
- (2) An employer's exemption granted by the Children's Guardian under repealed section 224 of the *Children and Young Persons (Care and Protection) Act 1998*—
  - (a) is taken to be an employer's exemption granted under section 102 of the *Children's Guardian Act 2019*, and
  - (b) is subject to the same conditions set out in the written notice under section 224(2) of the *Children and Young Persons (Care and Protection) Act 1998*.

## **7 Existing designated agencies arranging supported or statutory out-of-home care**

- (1) This clause applies to a designated agency within the meaning of repealed section 139 of the *Children and Young Persons (Care and Protection) Act 1998* that, immediately before the commencement—
  - (a) arranged the provision of supported out-of-home care or statutory out-of-home care, and
  - (b) was accredited under that Act.
- (2) The designated agency is, on the commencement, taken to be a designated agency under the *Children's Guardian Act 2019*, for the period approved and subject to conditions and requirements imposed under the *Children and Young Persons (Care and Protection) Act 1998* and the regulations under that Act.
- (3) An application for accreditation as a designated agency made under the *Children and Young Persons (Care and Protection) Act 1998* and the regulations under that Act but not decided before the commencement, is, on the commencement—
  - (a) taken to be an application for accreditation as a designated agency under the *Children's Guardian Act 2019*, and
  - (b) to be determined in accordance with the *Children's Guardian Act 2019*.

## 8 Definitions relating to religious bodies

For the purposes of Part 4 of the *Children's Guardian Act 2019*, the following terms are defined in relation to an employee of a religious body—

**reportable allegation** means an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment with the religious body.

**reportable conviction** means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct, whether or not the conduct occurred in the course of the employee's employment with the religious body.

## 9 Head of entity—adults residing with authorised carers

- (1) This clause applies to a relevant entity that is an adult who, under section 10 of the *Child Protection (Working with Children) Act 2012*, is required to hold a working with children check clearance because the adult resides on the same property as an authorised carer for 3 weeks or more.
- (2) For the purposes of Part 4 of the *Children's Guardian Act 2019*, the head of the relevant entity is taken to be the head of the entity of the authorised carer.
- (3) This clause is taken to have operated from commencement of the Act.
- (4) This clause is repealed on commencement of a regulation made under section 17(1)(b) of the *Children's Guardian Act 2019*.