

Comparison table of proposed changes to Children and Young Persons (Care and Protection) Regulation 2012

Existing Regulation 2012		Proposed Regulation 2022		
Clause	Title	Section ¹	Title ²	Details of amendments ³
Part 1 – Preliminary				
1	Name of Regulation	1	Name of Regulation	The date of the Regulation is now 2022.
2	Commencement	2	Commencement	The commencement date is 1 September 2022.
3	Definitions	3	Interpretation	<p>The following terms have been removed from the Regulation as they relate to sections of the Regulation that will be transferred to the Children’s Guardian Regulation: ‘<i>accreditation criteria</i>’, ‘<i>Carers Register</i>’, ‘<i>departmental designated agency</i>’, ‘<i>full accreditation</i>’, ‘<i>provisional accreditation</i>’, ‘<i>reportable allegation</i>’, ‘<i>voluntary carer</i>’, ‘<i>working day</i>’ (in relation to the Children’s Guardian), ‘<i>working with children clearance information</i>’.</p> <p>The following terms have also been removed from this section:</p> <ul style="list-style-type: none"> • ‘<i>designated agency check</i>’: The meaning of this term is provided in the substantive provision (see Schedule 2, section 3(1)(c)). • ‘<i>prospective adoptive parent</i>’: This term has been removed from new Schedule 2, section 4 (see explanation below). • ‘<i>prospective guardian</i>’: The meaning of this term is provided in section 79A of the <i>Children and Young Persons (Care and Protection) Act 1998 (the Act)</i>. • ‘<i>registered agency</i>’: See Schedule 5, section 1(e). <p>The following new terms have been created:</p> <ul style="list-style-type: none"> • ‘<i>assessable person</i>’: This term has been created to simplify existing references to ‘assessable person’. Although there is no definition in the current Regulation, the

¹ Parliamentary Counsel’s Office now refers to provisions within a regulation as ‘sections’, not ‘clauses’.

² Changes to headings of sections are reflected in this column. Headings now refer to relevant regulation-making powers for clarity.

³ Only substantial amendments are noted. Minor editorial changes or simple renumbering are not noted.

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				<p>meaning of this term is provided in current clauses 23C(5), 30(6), 31(5) and 31A(2). The new definition reflects the meaning in those clauses of the current Regulation.</p> <ul style="list-style-type: none"> • ‘<i>assessment body</i>’: This term has been created to simplify existing references to ‘assessment body’. Although there is no definition in the current Regulation, the meaning of this term is provided in current clauses 23C(6), 30(6), 31(5) and 31A(2). The new definition mostly reflects the meaning in those clauses of the current Regulation. The current definition in clause 23C(6) has been amended to simplify the meaning of ‘assessment body’ in relation to guardianship orders. • ‘<i>co-resident</i>’: This term has been created to simplify existing references to people who reside on the same property as certain people for more than 21 days, in clauses 23C(5), 30(6), 31(5) and 31A(2) of the current Regulation. This term is also relevant to the uniform suitability assessment requirements set out in Schedule 2, which apply to co-residents. • ‘<i>private health facility</i>’: This term is defined and described in current clauses 19(3) and 28(1)(c). A minor change has also been made to the wording of the definition, to confirm that this term means a licensed private health facility under the <i>Private Health Facilities Act 2007</i>. • ‘<i>provisional authorisation</i>’: The definition for this term refers to new section 19, where the meaning of this term is provided (see current clause 31). • ‘<i>residential setting</i>’: This new term relates to authorisation of residential care workers (see new sections 23 and 24 below). • ‘<i>uniform suitability assessment</i>’: The definition of this term refers to Schedule 2, where the uniform suitability assessments are set out. <p>The following terms have been abbreviated:</p> <ul style="list-style-type: none"> • ‘<i>working with children check clearance</i>’ to ‘<i>WWCCC</i>’. • ‘<i>current working with children application</i>’ to ‘<i>WWCCC application</i>’: A minor change has been made to the wording of this definition, but not to the substantive meaning. A current application within the meaning of the <i>Child Protection (Working with Children) Act 2012</i> (the current definition) means an application that has not been finally determined or withdrawn or terminated (the new
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				definition).
Part 2 – General				
4	(Repealed)	-	-	This clause has been removed as it has already been repealed.
5	Rescission and variation of care orders—“significant change”	4	Rescission and variation of care orders—“significant change”—the Act, s264(1A)(d)	<p>This section has been amended to better reflect the regulation-making power in section 264(1A)(d) of the Act and section 82 of the Act.</p> <p>Section 82 of the Act has been amended several times in recent years. In 2018, it was amended to enable the Children's Court to relist a matter and conduct a review of progress in implementing the care plan for a child or young person, after considering a report provided to it under section 82. This amendment removed an obligation on the Children's Court to invite the parties to make an application for the rescission or variation of the original care order under section 90. The changes to subsection (b) align with the current wording of section 82 of the Act.</p>
6	Delegation of functions of Children's Guardian	-	-	This clause has been removed as it relates to the Children's Guardian.
7	Administrative review of decisions of Children's Guardian	-	-	This clause has been removed as it relates to the Children's Guardian.
8	Prescribed bodies	5	Prescribed bodies	<p>The list of '<i>prescribed bodies</i>' for the purposes of sections 248(6) and 245B(1) of the Act have moved to a new Schedule 5.</p> <p>Minor changes have been made to section 5, including:</p> <ul style="list-style-type: none"> The paragraph references in section 5(1) and (2) have been updated to refer to the correct paragraphs of section 248(6) and 245B(1) of the Act respectively. This reflects recent amendments to the Act which clarified that the regulations may prescribe both bodies and persons for the purposes of sections 248 and 245B of the Act.

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				<ul style="list-style-type: none"> A new note has been added under section 5(1) for explanatory purposes.
9	(Renumbered cl 23B)	-	-	This clause has been removed as it has already been renumbered.
9A-11	(Repealed)	-	-	These clauses have been removed as they have already been repealed.
12	When acts of Children's Guardian take effect	-	-	This clause has been removed as it relates to the Children's Guardian.
Part 3 – Records, reporting and information				
Division 1 – Records				
13	Form of records	-	-	<p>A new Division 1 has been created in Part 3, concerning records.</p> <p>This section has been removed as it is not legally necessary. For <i>example</i>, under the <i>Electronic Transactions Act 2000</i> requirements imposed under NSW law, such as to produce a document or record information, can generally be met in electronic form.</p>
14	Access to records relating to Aboriginals and Torres Strait Islanders	6	Access to records relating to Aboriginal persons and Torres Strait Islanders—the Act, s14(5)	Current clause 14(5)(b) has been separated into two provisions for clarity (see section 6(5)(b) and (6)).
Division 2 – Reporting				
15	Application of mandatory reporting requirements	7	Application of mandatory reporting requirements—the Act, s264(1A)(b)	A new Division 2 has been created in Part 3, concerning reporting.

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16	Extension of alternative reporting arrangements to employees and contractors of relevant Aboriginal organisations	8	Extension of alternative reporting arrangements—the Act, s27A(10)	<p>Current clauses 16-19 have been combined into one section to simplify and streamline these provisions. A new term '<i>relevant service provider</i>' has been created as a result, which is defined to mean the persons to which alternative reporting arrangements under section 27A of the Act are extended under current clauses 16-19.</p> <p>The definition of '<i>general practitioner</i>' in current clause 18(3) has been removed as it is out of date. The meaning of this term has been incorporated into new section 8(2)(d).</p> <p>'<i>General practice nurse</i>' is no longer a defined term, as in current clause 18(3), but the same meaning is provided in new section 8(2)(e).</p> <p>The definition of '<i>private health facility</i>' in current clause 19(3) has moved to new section 3 of the Regulation, as it also appears in new section 15(1)(e).</p>
17	Extension of alternative reporting arrangements to employees or contractors of affiliated health organisations			
18	Extension of alternative reporting arrangements to registered medical practitioners and general practice nurses			
19	Extension of alternative reporting arrangements to employees or contractors of private health facilities			
20	Provision and collection of	-	-	This clause has been removed as it relates to the Children's Guardian.

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	information			
21	Senior officers of other Australian law enforcement agencies	9	Senior officers of Australian law enforcement agencies—the Act, s29(6)	
Part 4 – Care plans and alternative parenting plans				
22	Care plans	10	Care plans — the Act, s78(6)	Most of current clause 22 of the Regulation, specifically the information that a care plan must include, has been relocated to a new Schedule 3 (see below).
23	Alternative parenting plans	11	Alternative parenting plans — the Act, s264(1A)(e)	Most of current clause 23 of the Regulation, specifically the requirements that an alternative parenting plan submitted to the Children’s Court must comply with, has been relocated to a new Schedule 4 (see below).
Part 5 – Guardianship orders⁴				
23B	Form of child’s or young person’s consent to guardianship order	12	Form of child’s or young person’s consent to guardianship order—the Act, s79A(3)	Current clause 23B(2)(a) has been split into two provisions for clarity (see new section 12(2)(a) and (b)).
23C	Suitability statements relating to prospective guardians	13	Suitability statements relating to prospective guardians—the Act s79B(1A)	The reference to section 11A of the <i>Children’s Guardian Act 2019</i> (the Children’s Guardian Act) in the note under current clause 23C(2)(a) has been inserted into new section 13(2)(a) for clarity. In new section 13(2)(b), the new term ‘ <i>co-resident</i> ’ has replaced ‘persons that reside on the same property as the prospective guardian’ in current clause 23C(2)(b).

⁴ This Part has been renumbered from Part 4A to Part 5.

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				Current clause 23C(5) and (6) have been removed as they have been incorporated into the definitions of the new terms 'assessable person', 'assessment body' and 'co-resident' (see new section 3 above).
23A	Financial assistance to guardians	14	Financial assistance to guardians—the Act, s79C(5)	New section 14 has been amended to better reflect the regulation-making power in section 79C(5) of the Act. A structural change has been made to move this section to the end of Part 5, to follow the order of the related sections of the Act.
23D-E	(Repealed)	-	-	These clauses have been removed as they have already been repealed.
Part 6 – Out-of-home care⁵				
Division 1 – General				
28	Arrangements and services that are not out-of-home care	15	Arrangements and services that are not out-of-home care—the Act, s135(3)	Current clause 28(1)(h) of the Regulation exempts supported accommodation assistance program services funded under the <i>Supported Accommodation Assistance Act 1994</i> (Cth) from the definition of 'out-of-home care' in section 135 of the Act. New section 15(1)(i) has been updated to reflect that this funding arrangement no longer exists and has been replaced by specialist homelessness services funded by the Department of Communities and Justice (DCJ) under new funding arrangements. The new Regulation continues to exclude such services from 'out-of-home care' under the Act. A structural change has been made to swap the order of the sections of Part 6, Division 1, to follow the order of the related sections of the Act.
27	Application for review of temporary care arrangement	16	Application for review of temporary care arrangement—the Act, s152(6)	

⁵ The order of the Parts concerning 'Out-of-home care' and 'Medical examination and treatment' have been swapped to follow the order of the Act.

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Division 2 – Authorisations by designated agencies—the Act, s137(2)				
Subdivision 1 – Authorisation				
29	Definitions	-	-	Defining ‘ <i>authorised carer</i> ’ and ‘ <i>designated agency</i> ’ formally in this subdivision is not necessary and so the definitions in clause 29 have been removed. Definition of ‘ <i>supervising person</i> ’ has moved to new section 34(4).
30	Authorisation of individual caring in private capacity	17	Application to be an authorised carer in a private capacity	Current clause 30 has been divided into two new sections 17 and 18 based on process – first, the application and second, the decision on the application. Current clause 30(6) has been removed as it has been incorporated into the definitions of the new terms ‘ <i>assessable person</i> ’, ‘ <i>assessment body</i> ’ and ‘ <i>co-resident</i> ’ (see new section 3 above).
		18	Determination of application	
Subdivision 2 – Provisional authorisation				
31	Provisional authorisation	19	Provisional authorisation	Current clause 31 has been divided into three new sections 19, 20 and 21 based on the process for provisional authorisation. New section 19 covers current clause 31(1) and (6)(b). Current clause 31(6)(a) has been removed as it repeats current clause 31(1).
		20	Assessment of capability and suitability to be provisionally authorised	New section 20 covers current clause 31(2),(3),(4),(9) and (10). Current clause 31(5) has been removed as it has been incorporated into the definitions of the new terms ‘ <i>assessable person</i> ’, ‘ <i>assessment body</i> ’ and ‘ <i>co-resident</i> ’ (see new section 3 above).
		21	Administration of provisional	New section 21 covers current clause 31(7),(8),(11),(12),(13),(14) and (15).

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			authorisation	
Subdivision 3 – Emergency and other authorisations				
31B	Emergency authorisation of staff and contractors	22	Emergency authorisation of residential care worker	<p>Current clause 31B sets out the circumstances in which a designated agency may authorise persons as authorised carers in emergencies.</p> <p>New section 22 specifies that a person may only be authorised once under this section, for a maximum of 72 hours.</p>
-	-	23	Authorisation of residential care workers—the Act, s137	<p>New section 23 provides that a designated agency may authorise a person as a residential care worker if the person provides statutory or supported out-of-home care in a residential setting as part of their professional work or paid employment. To authorise the person, the agency must have conducted checks required by the <i>Children’s Guardian Regulation</i>, Part 2, Division 2; and determined the person is capable and suitable to be an authorised carer.</p>
-	-	24	Authorisation of residential care workers under sections 22 and 23	<p>For clarity, new section 24 provides that a person authorised under section 22 or 23 is only authorised to provide care for a child or young person for whom care is being provided or supervised by the designated agency that authorised the person; and in a residential setting.</p>
-	-	25	Authorisation of caseworkers	<p>New section 25 provides that Department of Communities and Justice caseworkers are taken to be authorised under section 22. This enables the Department to use a caseworker, in an emergency, to provide residential care, once only, for up to 72 hours.</p>
-	-	26	Authorisation of interstate residential care workers—the Act, s137	<p>New section 26 provides that interstate residential care workers are taken to be authorised as authorised carers under the Care Act if:</p> <ul style="list-style-type: none"> • they are employed or engaged to provide residential care by the child welfare agency of another state or a service provider funded or contracted by that agency to provide residential care, and • the agency or service provider that employs or engages them satisfies the NSW designated agency that all its workers have been assessed as capable and

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				suitable to provide care; hold a current working with children check clearance or its equivalent in the relevant state or territory; and have undergone a nationwide criminal record check and the outcome of the check was satisfactory.
32	Other carers authorised by Department to enable special care	27	Other carers authorised by Department to enable special care	<p>Current clause 32(1) definitions have been relocated to new section 27(4) and the rest of the section renumbered.</p> <p>The note under existing clause 32(3)(b) has been removed because it is unnecessary, as special out-of-home care is not provided in authorised carers' private homes.</p>
33	Authorised carers authorised by designated agency to give respite to usual authorised carers	28	Authorised carer authorised by designated agency to give respite to usual authorised carer	
Subdivision 4 – Conditions of authorisation				
34	Conditions of authorisations	29	Conditions of authorisation	<p>Current clause 34(4A) is now sections 29(1) and (2).</p> <p>New section 29(3) provides this section does not apply to authorised residential care workers. This is a consequential change arising from amendments relating to the authorisation of residential care workers.</p>
		30	Designated agency may impose conditions	<p>Current clauses 34(1) and (2) are now sections 30(1)(a) and (b). Current clause 34(3) is now section 30(2).</p> <p>Current clause 34(4) has been removed because of a recent amendment to the Care Act which replicates this provision (see section 248C of the Act).</p> <p>Current clause 34(5) has been removed as 'code of conduct for authorised carers' is defined in new section 3.</p> <p>New section 30(3) provides this section does not apply to authorised residential care workers. This is a consequential change arising from amendments relating to the</p>

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				authorisation of residential care workers.
36	Personal responsibility of authorised carers	31	Personal responsibility of authorised carer	
37	Inspection of home or premises	-	-	Current clause 37 has been removed as it does not add anything to sections 137B, 241 and 242 of the Act.
39	Notice of change of address	32	Notice of change of address	New section 32(2) provides that this section does not apply to authorised residential care workers. This is a consequential change arising from amendments relating to the authorisation of residential care workers.
40	Information to be provided to designated agency	33	Information to be provided to designated agency	Significant policy change (see RIS for further detail): section 33(2)(c) has been added to provide that an authorised carer must notify the designated agency if a child or young person in out-of-home care is charged with a criminal offence punishable by 12 months' imprisonment or more. New section 33(3) provides that sub-sections (2)(f)(i) and (iii) and (2)(g) do not apply to an authorised residential care worker.
38	Medical examination	34	Medical examination	The definition of ' <i>supervising person</i> ' has moved from current clause 29 to new section 34(4).
Subdivision 5 – Cancellation, suspension and surrender of authorisation				
42	Cancellation or suspension of authorisations by designated agencies	35	Cancellation or suspension of authorisation by designated agency	The words 'any obligation or restriction' in current clause 42(c) have been replaced with 'a condition or requirement' in new section 35(1)(c).
42A	Cancellation of authorisation on making of a	36	Automatic cancellation—making of guardianship order	

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	guardianship order			
42B	Automatic cancellation—working with children requirements no longer met	37	Automatic cancellation—working with children requirements no longer met	'Working with children check clearance' is defined in new section 3 as 'WWCCC'. 'Current working with children application' is defined in new section 3 as 'WWCCC application'.
42C	Automatic cancellation—cessation of employment or contract	38	Automatic cancellation—cessation of employment or contract	
42CA	Presumption that authorisation will be cancelled	39	Presumption that authorisation will be cancelled	<p>Significant policy change (see RIS for further detail): New section 39 has been amended to provide that the presumption that an authorised carer's authorisation is automatically cancelled if they have not provided out-of-home care to a particular child or young person for three months or more does not apply if (see new sections 39(2)(a),(b) and (c)):</p> <ul style="list-style-type: none"> • an investigation is underway into whether the person's authorisation should be cancelled, or • the person has applied for an internal review of a decision to cancel their authorisation and that review is underway, or • the person has applied for a review of a reviewable decision and NCAT has not given a decision.
42D	Automatic suspension of authorisation	40	Automatic suspension of authorisation	<p>Current clause 42D(1) definition of 'inappropriate resident' has been relocated to the end of new section 40(5) and renamed 'unsuitable co-resident'. The new term 'co-resident' has replaced 'a person who resides on the same property as an authorised carer' in the new definition of 'unsuitable co-resident'.</p> <p>'Working with children check clearance' is defined in new section 3 as 'WWCCC'. 'Current</p>

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				<i>working with children application</i> is defined in new section 3 as ' <i>WWCCC application</i> '.
41A	Surrender of authorisation	41	Surrender of authorisation	
Subdivision 6 – Miscellaneous				
31A	Assessment of persons residing on same property as carer	42	Assessment of persons residing on same property as carer	<p>New section 42(1) has been added to clarify that this section is within the regulation-making power under section 137(2)(c) of the Act.</p> <p>In new section 42(2), the words 'a person is a co-resident of an authorised carer' have replaced 'a person...has resided or will reside for more than 21 days on the same property as an authorised carer' in current clause 31A(1), as the new term '<i>co-resident</i>' encompasses this description.</p> <p>The exception of a 'young person in out-of-home care' in the brackets in clause 31A(1) has relocated to new section 42(3).</p> <p>Current clause 31A(2) has been removed as it has been incorporated into the definitions of the new terms '<i>assessable person</i>', '<i>assessment body</i>' and '<i>co-resident</i>' (see new section 3 above).</p>
35	Authorisations by designated agencies to be in writing	43	Authorisation by designated agency to be in writing	
Division 3 – Authorisation other than by designated agency				
43	Other authorisations	44	Other authorisation	References to the 'Family Court of Australia' and the 'Federal Circuit Court of Australia' have been updated to the 'Federal Circuit and Family Count of Australia' in new section 44(1)(b).
43A	Transferred authorisations	45	Transferred authorisation	

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Division 4 – Behaviour management—the Act, s137(2)(g)				
41	Management of behaviour of children and young persons	46	Children and young persons supervised by a designated agency	<p>Current clause 41(1) and (1)(b) are now combined in new section 46(1).</p> <p>Current clause 41(1)(a) is now new section 46(2).</p> <p>Current clause 41(2) is now new section 46(3).</p> <p>Current clause 41(3) and (3)(a) are relocated to new section 46(4).</p> <p>Significant policy change (see RIS for further detail): Two new ways to address behavior management have been included in new section 46(4) which are not in current clause 41(3). These are new section 46(4)(b) ‘adjusting the approved behaviour management practices for the child or young person’ and new section 46(4)(c) ‘preparing a behaviour management plan for the child or young person’. This section has also been amended to require designated agencies to consider the alternative options in section 46(4) before considering changing placement arrangements (see new section 46(5)).</p>
44	Management of behaviour of children and young persons	47	Children and young persons not supervised by a designated agency	<p>Section 47(3) is new and imports for clarity current clause 41(1)(a) into new section 47 – that is, that behaviour management practices approved by the Secretary must not include three types of punishment.</p>
Part 7 – Medical examination and treatment ⁶				
24	Notice of medical examination	48	Notice of medical examination	
25	(Repealed)	-	-	This clause has been removed as it has already been repealed.
26	Administration of psychotropic drug to child in statutory out-	49	Administration of psychotropic drugs to child in statutory out-	<p>For clarity:</p> <ul style="list-style-type: none"> A definition of the term ‘<i>psychotropic drug</i>’ has been inserted in new section 49(4), as

⁶ The order of the Parts concerning ‘Out-of-home care’ and ‘Medical examination and treatment’ have been swapped to follow the order of the Act.

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	of-home care		of-home care—the Act, s264(1A)(g)	<p>it currently appears in clause 26 without being defined.</p> <ul style="list-style-type: none"> The definition of the term '<i>drug of addiction</i>' has been removed from new section 49(4) as the meaning is provided in new section 49(3). The meaning now refers directly to the <i>Poisons and Therapeutic Goods Act 1966</i> which defines this term.
Part 8 – Miscellaneous				
88	Savings and transitional provisions	50	Savings and transitional provisions	Current clause 88(3A) has been removed as it relates to the Children's Guardian.
Schedule 1 – Notice of medical examination				
Form 1	Notice of medical examination	-	Notice of medical examination	
Schedule 2 – Uniform suitability assessment requirements				
1	Definitions	1	Definitions	<p>The following terms have been removed from this section, as the meanings are now provided in the substantive provisions:</p> <ul style="list-style-type: none"> '<i>accredited adoption service provider check</i>' (new Schedule 2, section 3(1)(d)). '<i>approved identity information</i>' (new Schedule 2, section 2(a)). The requirement that this information be published in the Gazette has been removed to allow greater flexibility to change the identity requirements. '<i>designated agency check</i>' (new Schedule 2, section 3(1)(c)).
2	Assessment body must obtain information or conduct checks	2	Assessment body must obtain information	<p>To simplify current Schedule 2, clause 2, this provision has been split into several provisions (new Schedule 2, sections 2-4).</p> <p>Current Schedule 2, clause 2(1)(a), (f)(i)-(ii). have been transferred to new Schedule 2, section 2.</p> <p>The requirements in current Schedule 2, clause 2(1)(f)(ii), regarding an assessable</p>

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			<p>person's statement about their physical and mental health and a medical report, have been split into two provisions for clarity (see new Schedule 2, section 2(b)(ii) and (iii)).</p>
	3	Assessment body must conduct checks	<p>The following parts of current Schedule 2, clause 2 have been transferred to new Schedule 2, section 3:</p> <ul style="list-style-type: none"> • current clause 2(1)(b)-(e), (f)(iii) • current clause 2(4) • current clause 2(5). <p>The following changes have also been made:</p> <ul style="list-style-type: none"> • The 'check' component of the requirement in current Schedule 2, clause 2(1)(f)(ii), which refers to a health check, being a check of the statement made by the assessable person, has been removed from the Regulation. It is unnecessary and does not add to the requirement for an assessment body to obtain from certain assessable persons statements about their physical and mental health. • Current Schedule 2, clause 2(4)(c) has been split into two provisions for clarity (see new Schedule 2, section 3(3)(b)(i) and (ii)). • Current Schedule 2, clause 2(5)(d) has been split into three provisions for clarity (see new Schedule 2, section 3(2)(d)(i), (ii) and (iii)).
	4	Circumstances when assessment body not required to obtain information or conduct checks	<p>The following parts of current Schedule 2, clause 2 have been transferred to new Schedule 2, section 4:</p> <ul style="list-style-type: none"> • current clause 2(2). • current clause 2(3). <p>The term '<i>prospective adoptive parent</i>' in current Schedule 2, clause 2(2)(c) has been removed because it is redundant and adds unnecessary complexity (see new Schedule 2, section 4(1)(c)). This term is defined in clause 3 of the current Regulation to mean 'a person who has submitted an application under the <i>Adoption Act 2000</i> to adopt a child and that application has not been withdrawn or finally dealt with by the making of or</p>

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				refusal to make an adoption order'. This term is not needed as the assessable person referred to in this provision has already been assessed as suitable to adopt a child.
3	Exemptions for assessable residents	5	Exemptions for assessable residents	<p>The following changes have been made to the definition of 'assessable resident' in new Schedule 2, section 5(5) (see current Schedule 2, clause 3(1)):</p> <ul style="list-style-type: none"> • In paragraph (a), the words 'because the person resides on the same property as another person' have been replaced with 'because the person is a co-resident', as the new term 'co-resident' encompasses this description. • In paragraph (b), children in out-of-home care have been removed from the list of persons who are not assessable residents, as they are already excluded from the definition of the new term 'co-resident' (see new section 3).
4	Special exemption if adoption suitability check conducted	6	Special exemption if adoption suitability check conducted	
5	Assessment body may obtain other information	7	Assessment body may obtain other information	
6	Assessment body can cease assessment of unsuitable person	8	Assessment body can cease assessment of unsuitable person	The words 'or any person who resides on the same property as the assessable person' in current Schedule 2, clause 6 have been removed, as such a person (now called a 'co-resident') is an assessable person.
Schedule 3 – Care plans				
22	Care plans	1	Mandatory content	<p>Most of current clause 22 of the Regulation, specifically the information that a care plan must include, has been relocated to a new Schedule 3 and restructured.</p> <p>The content of current clause 22 has been split into two provisions (see new Schedule 3, sections 1 and 2).</p>

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				<p>In addition to this structural reorganisation, the following changes have been made:</p> <ul style="list-style-type: none"> • Current clause 22(1)(a) of the Regulation has been removed because of a recent amendment to the Act which replicates this provision (see section 78(5) of the Act). • Current clause 22(1)(b)(iii) has been split into two provisions for clarity (see new Schedule 3, sections 1(1)(b) and (c)). • Current clause 22(3)(h) has been converted (see new Schedule 3, section 1(1)(j)). • The word 'role' in current clause 22(3)(d) has been removed from new Schedule 3, sections 1(1)(d)(ii) and (e)(ii) for simplicity. Also, the expression 'and the approximate period of time during which those responsibilities are to be carried out' is transferred to new Schedule 3, section 1(1)(e)(ii) (re: other person, agencies or bodies participating in the care plan) but is not included in Schedule 3, section 1(1)(d)(ii) (re: agency or body with overall responsibility for coordinating the care plan). • Current clause 22(6) has been split into two provisions for clarity (see new Schedule 3, sections 1(2)(a) and (b)).
		2	Matters to be included where relevant	<p>In addition to the structural reorganisation, the following changes have been made:</p> <ul style="list-style-type: none"> • Current clause 22(2)(i),(j) and (k) has been converted into a list (see new Schedule 3, section 2(1)(i)). • The words 'ethnic background and religion' (current clause 22(2)(d)) have been updated to 'cultural and and linguistic background and religion' (new Schedule 3, section 2(1)(d)).
Schedule 4 – Alternative parenting plans				
23	Alternative parenting	1	Form	Most of current clause 23 of the Regulation, specifically the requirements that an alternative parenting plan submitted to the Children's Court must comply with, has been

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	plans			relocated to a new Schedule 4 and restructured. The content of current clause 23 has been split into several provisions (see new Schedule 4, sections 1-4).
		2	Mandatory content	In addition to the structural reorganisation, current clause 23(1)(b)(iii) has been split into two provisions for clarity (see new Schedule 4, sections 2(c) and (d)).
		3	Other matters required	In addition to the structural reorganisation, current clause 23(6) has been split into two provisions for clarity (see new Schedule 4, sections 3(3)(a) and (b)).
		4	Matters to be included where relevant	
Schedule 5 – Prescribed bodies				
8	Prescribed bodies	1	Prescribed bodies for section 248(6) of the Act	<p>The list of '<i>prescribed bodies</i>' for the purposes of sections 248(6) of the Act (in current clause 8(1) of the Regulation) has moved to a new Schedule 5, section 1.</p> <p>Updates and structural changes have been made:</p> <ul style="list-style-type: none"> • The meaning of a '<i>registered agency</i>' has been included in new Schedule 5, section 1(e), as this is now the only provision this term appears in. The meaning has also changed from the definition in current clause 3, as the references relating to voluntary out-of-home care are redundant. The meaning of '<i>registered agency</i>' is now in section 73 of the <i>Children's Guardian Act 2019</i>. • References to Commonwealth bodies have been updated. • The words 'or a successor of' have been added after the names of Commonwealth bodies, where not already present, to ensure that the relevant body will continue to be prescribed if any name changes, mergers or divisions occur. • Current clause 8(1)(j) has been split into several provisions for clarity (see new Schedule 5, section 1(p)(i)-(vii)).

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			<p>Significant policy change (see RIS for further detail): Several new bodies have been prescribed for the purposes of paragraph (g) of section 248(6) of the Act, and therefore also Chapter 16A of the Act:</p> <ul style="list-style-type: none"> • Australian Federal Police • Commonwealth Department of Health • Commonwealth Department of Social Services • National Disability Insurance Agency • NDIS Quality and Safeguards Commission • Disability service providers.
	2	Prescribed bodies for section 245B(1) of the Act	<p>The list of '<i>prescribed bodies</i>' for the purposes of section 245B(1) of the Act (in current clause 8(2) of the Regulation) has moved to a new Schedule 5, section 2.</p> <p>The list of '<i>prescribed bodies</i>' has been separated into lists for the purposes of paragraphs (b) and (c) of section 245B(1) of the Act (see new Schedule 5, section 2(1) and (2)). Recent amendments to the Act clarified that the regulations may prescribe both bodies and persons for the purposes of section 245B(1) of the Act. The prescribed bodies have been classified accordingly.</p> <p>The descriptors 'enrolled' and 'registered' in relation to nurses have been removed as they are unnecessary (see section 21D of the <i>Interpretation Act 1987</i>).</p> <p>References to State and Territory bodies have been updated.</p>