

5 May 2022

Ms Deirdre Bole  
Policy, Reform & Legislation  
Department of Communities and Justice  
6 Parramatta Square  
PARRAMATTA NSW 2150

Via: [deirdre.bole@fac.s.nsw.gov.au](mailto:deirdre.bole@fac.s.nsw.gov.au)

Dear Ms Bole,

**Re: Children and Young Persons (Care and Protection) Amendment (Authorised Residential Care Workers) Regulation 2022**

Barnardos Australia (Barnardos) thanks the Department of Communities and Justice (DCJ) for the opportunity to respond to the proposed changes to the Children and Young Persons (Care and Protection) Amendment (Authorised Residential Care Workers) Regulation 2022.

Barnardos is a family support and out-of-home care (OOHC) agency, which assists over 14,409 children and their families in New South Wales (NSW) and the Australian Capital Territory (ACT) each year and maintains 1,415 children in NSW and the ACT in foster and kinship care.

While, Barnardos is not a designated Residential Care Provider, the use of residential workers is required in a very limited number of circumstances during the provision of alternate care arrangements.

Barnardos is supportive of the introduction of a Residential Care Workers Register. Barnardos strongly agrees that all children should be supported in an environment that places their safety and wellbeing at the centre of all decision making.

In regard to the proposed amendments of the Care Regulation, which will make it clear that the following provisions do not apply to authorised residential care workers, our views are outlined below:

- **cl. 38, which requires an authorised carer, or a person residing with an authorised carer, to undergo a medical examination at the request of a designated agency if reasonably necessary to ascertain whether the authorised carer's household is a healthy environment for the care of children or young people;**

Barnardos does not anticipate a problem with the proposed amendment.

**Barnardos Australia**

60-64 Bay Street Ultimo NSW 2007  
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**Chair** Janett Milligan

**Chief Executive Officer** Deirdre Cheers

**Contact**

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Donations 1800 061 000  
Foster care 1800 663 441

- **cl. 39, which requires an authorised carer to notify a designated agency before changing his or her residential address; and**

Barnardos does not anticipate a problem with the proposed amendment.

- **cl. 40(2)(e)(i),(e)(iii) and (f), which require an authorised carer to notify the designated agency if:**
  - **the authorised carer becomes parent to another child or young person;**
  - **the authorised carer becomes aware that any member of his or her household has been charged with or convicted of an offence; or**
  - **a child, young person or other person joins the authorised carer’s household.**

Barnardos strongly supports this proposed amendment.

In regard to the proposed amendments of the Care ACT, our views are outlined below:

- **s 79B, which provides that an application for a guardianship order may not be made by a person who is an authorised carer solely in the person’s capacity as an authorised residential care worker;**

Barnardos strongly supports this proposed amendment.

- **s 137(3), which provides that an authorised residential care worker is not required to notify a designated agency if any person resides on the same property as the residential care worker for 3 weeks or more, or if a person residing on the same property turns 18;**

Barnardos strongly supports this proposed amendment.

- **s 146, which provides that an authorised residential care worker is not automatically entitled to participate in the making of decisions, beyond those relating to daily care and control, concerning the safety, welfare and wellbeing of a child or young person in their care;**

Barnardos strongly supports this proposed amendment and agrees that the role of the Residential Care Worker greatly differs to the role of an authorised carer in decision-making.

- **s 147, which provides that an authorised residential care worker is not entitled to be indemnified by the Minister for any loss or damage caused by a child or young person in their care; and**

Barnardos appreciate that this exemption relates to residential care workers being employees, and therefore covered by individual organisational insurance policies. Clarification of this assumption by the Department would be appreciated.

- **s 149E, which provides that a designated agency is not required to obtain the consent of an authorised residential care worker before disclosing information concerning the placement of a child or young person.**

Barnardos strongly supports this proposed amendment.

On 3 May 2022, Barnardos participated in the consultation session regarding proposed solutions for Authorising Interstate Residential Care Workers. Our views on the proposed solutions are outlined below:

**Solution 1: Deemed authorisation of Interstate worker where suitability and capacity is verified by relevant interstate agency.**

Barnardos does not support this proposal as we are concerned that this solution may result in our organisation not being notified or a delay in being notified regarding changes to the status of a worker's equivalent interstate check.

**Solution 2: Apply same authorisation requirements to interstate workers.**

Barnardos is of the view that the same authorisation requirements should be applied to Interstate Residential Care Workers.

**Solution 3: Deem all interstate residential care workers to be authorised, without requiring verification.**

Barnardos does not support this proposal.

**Solution 4: Require no authorisation for interstate workers.**

Barnardos does not support this proposal and notes this would require legislative changes.

We would welcome the opportunity to discuss any aspect of our submission. Please feel free to contact Laura Radican, Acting Manager Safeguarding on (02) 9218 2358 or [lradican@barnardos.org.au](mailto:lradican@barnardos.org.au).

Best regards,

A handwritten signature in black ink, appearing to be the letter 'M' with a small loop at the top and a vertical stroke on the right side.

**Penny Hood**  
**Executive Leader, Children & Families**  
**Barnardos Australia**