

Carers Register

Interstate placements and registration requirements

November 2023

Carers Register and interstate placements

Purpose

This table sets out registration and authorisation obligations for carers who provide direct care to a child or young person (C/YP) under the parental responsibility of the NSW Minister for Families and Communities where the C/YP and carers are residing interstate.

It aims to assist designated agencies to meet the requirements for the entry of carers onto the Carers Register (CR).

Authorisation of carers

The *Children and Young Persons (Care and Protection Act) 1998*, sections [136](#) and [154](#) provide that statutory out-of-home care (OOHC) and supported OOHC (respectively) may be provided **only by an authorised carer**. Section 137 defines an authorised carer as a person who is authorised as a carer by a designated agency. This means that any C/YP in statutory or supported out-of-home care under a NSW order, must be cared for by an authorised carer. This is regardless of what state they reside in.

The *Children and Young Persons (Care and Protection) Regulation 2022* includes a number of categories of authorisation for authorised carers. The relevant designated agency needs to determine which sections (briefly described below) may be used to authorise a carer, and should familiarise themselves with the requirements of each to ensure compliance with their obligations:

- Section 17 and 18 – relevant to the general authorisation of foster/relative/kinship carers by a designated agency
- Section 19, 20 and 21 - relevant where a carer is provisionally authorised in an emergency. The individual can only be authorised if they are relative or kin or known to the child.
- Section 42 – relevant to the assessment of persons residing on the same property of authorised carers

Other obligations

Other obligations also apply to a designated agency, even where a C/YP is residing and being cared for, outside of NSW. This includes considering whether the carer requires a Working with Children Check (WWCC) and any obligations under the Reportable Conduct Scheme given that an authorised carer is an employee of a relevant entity, even if an allegation occurs outside of NSW.

The designated agency is responsible for ensuring that carers are aware of these obligations and that these obligations are met as part of their role.

Working with Children Check

The Child Protection (Working with Children) Act 2012 requires an authorised carer to hold a WWCC as a condition of authorisation under the Child and Young Persons (Care and Protection) Regulation 2022. This means that regardless of where a carer is residing, whether within NSW or outside of NSW, they must meet this mandatory requirement. If an authorised carer is providing care to a C/YP under NSW orders, the carer and adult members of their household are engaged in child related work and are required to hold an NSW WWCC clearance. [Division 2](#) of the Child Protection (Working with Children) Act 2012 provides mandatory requirements for child related work in NSW.

Placement scenarios and register requirements

Placement scenario	Entry onto Carers Register (CR)
1 Carer authorised in NSW, caring for a C/YP on NSW orders moves interstate.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency and is caring for a C/YP on NSW orders so must be entered on the CR. Household members must also be entered on the CR as per NSW legislation.
2 Carer authorised in NSW but then moves interstate. The designated agency continues to consider the authorised carer for future placements of a C/YP on NSW orders who is related to or has a significant relationship with the carer or with the C/YP already placed with the carer.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency and is caring for a C/YP on NSW orders so must be entered on the CR. Household members must also be entered on the CR as per NSW legislation.
3 Carer authorised in NSW but then moves interstate. The designated agency continues to consider the authorised carer for future placements of a NSW C/YP who is related to or has a significant relationship with the carer. A C/YP on a non-NSW order is then placed with the carer.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency. Household members must also be entered on the CR as per NSW legislation. Household members would include any C/YP not on NSW orders including the C/YP on order from another jurisdiction.
4 A carer resides interstate but is sought to care for a related C/YP on NSW orders. The individual is subsequently authorised by the designated agency.	<p>YES</p> <ul style="list-style-type: none"> The carer must be authorised by a NSW designated agency to care for a C/YP on NSW orders and must be entered on the CR. Household members must also be entered on the CR as per NSW legislation.
5 C/YP has self-placed in a home interstate without the approval of the NSW designated agency, but the agency subsequently agrees that the placement is in the best interests of the C/YP and decides to approve the placement and authorise the carer.	<p>YES</p> <ul style="list-style-type: none"> The agency will be assessing and authorising the carer to provide care to a C/YP in NSW statutory out-of-home care. The carer must be authorised and recorded on the CR. Household members must also be entered on the CR as per NSW legislation.
6 C/YP resides with an authorised carer in NSW. A respite carer is available who resides interstate. This is most likely to occur where the carer resides close to an interstate border.	<p>YES</p> <ul style="list-style-type: none"> The C/YP is in NSW statutory out-of-home care so the respite carer in the interstate home would need to be authorised and recorded on the CR.

¹ Please note that if a C/YP will be residing long term in another state, their care orders need to be formally transferred from NSW to the jurisdiction of the other state. All interstate transfers are facilitated through DCJ. Contact your CFDU to discuss any proposed movements interstate and transfer requirements. Further information for designated agencies about arrangements for C/YP travelling or moving to another state can be found on [DCJ's website](#).

		<ul style="list-style-type: none"> Household members of the respite carer must also be entered on the CR as per NSW legislation.
7	A carer resides interstate but is sought to care for a C/YP on NSW orders in an emergency and the C/YP requires an immediate placement away from their existing carer.	<p>YES</p> <ul style="list-style-type: none"> A C/YP on NSW orders has been placed with the carer. The carer is required to be authorised and must be entered on the CR. Household members must also be entered on the CR as per NSW legislation.
8	Carer authorised by a designated agency and resides in NSW. A C/YP on non-NSW orders is placed with them.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency so must be entered on the CR. Household members must also be entered on the CR as per NSW legislation. Household members would include any C/YP not on NSW orders including the C/YP on order from another jurisdiction.
9	Carer authorised by a NSW designated agency and caring for a C/YP on NSW orders resides in NSW for part of the year and interstate for the other part of the year for work.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency and is caring for a C/YP on NSW orders so must be entered on the CR. Household members must also be entered onto the register as per NSW legislation.
10	A C/YP's care is shared between two carers who are both authorised under NSW but have separated. The C/YP on NSW orders moves between two houses (one on NSW side of the border and the other interstate), spending one week on, one week off with each carer.	<p>YES</p> <ul style="list-style-type: none"> Both carers have been separately authorised by a designated agency in separate households and are available for placements of a C/YP on NSW orders. Carers and household members of both households must be entered on the CR.
11	A carer residing in another jurisdiction and approved by that jurisdiction, who is caring for a C/YP on non-NSW orders subsequently becomes authorised by a NSW designated agency for the purpose of caring for a related C/YP on NSW orders.	<p>YES</p> <ul style="list-style-type: none"> The carer has been authorised by a NSW designated agency and is caring for a C/YP on NSW orders so must be entered on the CR. Household members must also be entered on the CR as per NSW legislation. Household members would include any C/YP not on NSW orders including the C/YP on order from another jurisdiction.
12	Carer authorised by an agency which operates in both NSW and another state as one legal entity. Carer has not been authorised by the NSW entity and resides in NSW but cares only for a C/YP on non-NSW orders.	<p>NO</p> <ul style="list-style-type: none"> The carer resides in NSW but is authorised by the interstate counterpart because the C/YP is on non-NSW orders. The carer is not authorised as a carer in NSW and is not required to be entered on the CR. WWCC not required because the person is not engaged in child related work in NSW.

- | | | |
|----|---|---|
| 13 | C/YP has self-placed in a home interstate without the approval of the NSW designated agency, and the designated agency is working to move the C/YP to a more appropriate placement. | NO <ul style="list-style-type: none"> • The C/YP has self-placed with adults who have not been approved or authorised by the designated agency. • The adults are not authorised and not required to be entered on the CR. • WWCC not required because the adult(s) have not been authorised as carers and are not in child related work in NSW. |
| 14 | A carer residing in and approved by another jurisdiction to care for a C/YP under interstate care orders subsequently moves to NSW. | NO <ul style="list-style-type: none"> • The individual has not been authorised by a designated agency in NSW. • The individual and household members are not required to be entered on the CR. • If the individual cares for a C/YP on NSW orders in the future, they will need to be authorised by a NSW designated agency and recorded on the CR. • The agency would then record on the CR that the applicant had been an authorised carer in another jurisdiction. • WWCC not required unless the person is subsequently authorised as an authorised carer in NSW. |
| 15 | A C/YP on NSW orders in the care of an authorised carer, spends time interstate at a relative's house as part of facilitating family contact, as outlined in the C/YP's care plan. | NO <ul style="list-style-type: none"> • The purpose of the care is family contact and is not a 'placement.' The relative is not required to be authorised by a designated agency in NSW. • The individual and household members are not required to be entered on the CR. • However, the agency needs to determine what assessment is required to determine suitability and safety, including whether the individual is in a child related role as per the CP (WWC) Act and requires a WWCC. If the purpose of the visit becomes respite, then this would need to be reconsidered and the individual assessed as an authorised carer. • WWCC not required if the individual is not in a child related role. |

*Please note that information provided in this document does not constitute legal advice and should not be used as such. Formal legal advice should be sought for particular matters.

² As a matter of policy, designated agencies should not place C/YP with carers outside of NSW, particularly if the placement is intended long-term. Agencies need to refer to the [PSP policy](#) as they cannot relocate a child without the Minister's approval. It is a condition of accreditation that a designated agency must not place a C/YP with a carer unless the agency is satisfied that it is able to meet the needs of the C/YP in that placement, as the agency with supervisory responsibility supporting and supervising the placement (Clause 3 of Schedule 3 of the Care Regulation). A designated agency's capacity to support and supervise a C/YP placed in another state is reduced given the distances that are usually involved in conducting home visits, given that the designated agency would not be familiar with the local systems, services, referral pathways and support organisations available in that state. Nor is a C/YP under NSW orders placed interstate able to access supports available to C/YP within NSW such as NSW Health Pathways but would not be eligible to equivalent services in the other state. However, there may be circumstances where it is in the best interests of a C/YP to be placed with the carer in another state, for example if the C/YP is related to that carer. If the placement is a long-term one, the C/YP's care orders should then be transferred to the jurisdiction of the state in which they are now placed, and the carer authorised in that state.

Office of the Children's Guardian

www.ocg.nsw.gov.au

Switchboard: (02) 8219 3600

**Locked Bag 5100
Strawberry Hills NSW 2012**