

Fact sheet

Reviewable authorisation decisions

November 2025

Introduction

The NSW Office of the Children's Guardian (OCG) is an independent, statutory authority committed to delivering better outcomes for children and young people in supported and statutory out-of-home care (OOHC). We are a regulator – not a provider of care services. We accredit and monitor the performance of agencies that arrange statutory and supported OOHC and adoption services.

The OCG administers the Carers Register, a database of persons authorised to provide or who apply to provide statutory or supported out-of-home care services in NSW. Household members are also recorded on this database.

This fact sheet should be read in conjunction with Carers Register [Guidance Notes](#).

What is the NSW Civil and Administrative Tribunal?

The NSW Civil and Administrative Tribunal (NCAT) is an independent tribunal that resolves disputes and issues enforceable orders. The resolution of disputes can involve a range of processes such as mediation, conciliation, case conferences or hearings.

There are different divisions within NCAT that deal with a broad range of issues from tenancy matters, building works, to decisions on guardianship and administrative review of government decisions.

NCAT's Administrative and Equal Opportunity Division reviews administrative decisions made by NSW Government and non-government agencies including certain decisions about children services, authorised carers, adoption services and community welfare.

This fact sheet covers matters NCAT deals with regarding carer authorisation decisions. For more information on NCAT's broader jurisdiction and matter types, go to the [NCAT website](#).

Reviewable authorisation decisions

The Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2 (Community Services Act) specifies that a person may apply to NCAT for an administrative review including decisions made under the *Children and Young Persons (Care and Protection) Act 1998* ("The Care Act").

Section 245 of the Care Act sets out the types of authorisation decisions that are administratively reviewable by the NCAT and includes decisions made by government or non-government agencies.

These include:

- a decision of the relevant decision-maker not to authorise a person as an authorised carer (aside from certain exceptions detailed below)
- a decision of the relevant decision-maker to:
 - suspend a person’s authorisation as an authorised carer, or
 - impose conditions on a person’s authorisation as an authorised carer,
- a decision of the relevant decision-maker to cancel a person’s authorisation as an authorised carer (with exceptions for certain events detailed below)
- a decision of the relevant decision-maker to grant to, or to remove from, an authorised carer the responsibility for the daily care and control of the child or young person.

Note: Section 45 of the Community Services Act further stipulates that the **decision maker must record the reasons for the decisions and give a written copy of the reasons to each person** considered to be directly affected by the decision.

The decision not to authorise a person as an authorised carer

Authorisation requirements

Section 18 of the Children and Young Persons (Care and Protection) Regulation 2022 (The Care Regulation) requires a designated agency to ensure that an individual applying to be an authorised carer is capable and suitable to be an authorised carer.

A designated agency is responsible for making a determination (decision) on an application. This includes ensuring the applicant and any co-residents (household members) satisfy certain criteria such as complying with WWCC, and that suitability checks are conducted and deemed satisfactory for each applicant and household member.

The probity and suitability checks include:

- WWCC requirements for applicants and adults residing on the property
- Suitability assessment of the applicant and each household member
- Completion of education or training by the applicant as required by the agency
- Signed statement that the applicant has understood and will comply with the code of conduct for authorised carers by the Minister
- The designated agency takes into account:
 - the functions of an authorised carer and the risk the applicant would be unable to properly perform the functions
 - risks to child or young person if the applicant is authorised, including risk from the applicants home and from a person who resides on the same property
 - relevant information available to the agency.

In addition, under Schedule 2 Clause 2 of the Care Regulation, designated agencies must also obtain the following information:

- proof of identity documents, using documents of a type approved by the Children’s Guardian (see [Fact sheet 7](#) approved proof of identity documents assessable residents)
- at least 2 references addressing the assessable person’s suitability to care for a child,
- a statement about the person’s physical and mental health
- a medical report about the person’s physical and mental health.
- a nationwide criminal record check,

- a community services check,
- an other designated agency check.

The designated agency records the application and outcomes of these checks on the Carers Register. Based on the outcome of the checks, the agency either approves the application and authorises the carer or refuses the application. The decision to approve or not is recorded on the Carers Register.

Not approving (refusing) the application

Refusing the application is a reviewable decision and the relevant decision maker must provide the applicant a reason for the refusal in writing and include internal avenues to appeal as well as the NCAT avenue to appeal.

Refusing an application is an authorisation decision, the Principal Officer (or delegate approved by the OCG) who has responsibility for determining whether an individual is capable and suitable to be an authorised carer must sign off on this written notice.

The decision to impose conditions on a person's authorisation as an authorised carer

The designated agency assesses the carer applicant's suitability including any household members and completes an authorisation report which includes recommendations and rationale to authorise or not.

Section 30 of the Care Regulation sets out that a designated agency may decide to impose conditions on the carer's authorisation such as they may only provide care to a named child or specify a class of children (age range). This is informed by the findings of the authorisation assessment.

The designated agency must give the person a written copy of the authorisation decision setting out conditions imposed by the agency.

During a carer's authorisation, the designated agency is responsible for conducting reviews of their authorisation to determine support and development needs; these reviews may also highlight the need to vary, revoke or impose further conditions on the carer's authorisation.

Where a designated agency reviews the carer's authorisation and conditions and determines that a change is required to these conditions, a re-authorisation letter should be provided to the carer which includes the changed conditions, and the avenues to appeal (internal and NCAT). The conditions come into effect when the notice is given to the authorised carer.

The decision to impose, vary or revoke conditions on a carer's authorisation is reviewable by NCAT.

As this is an authorisation decision, the Principal Officer (or delegate approved by the OCG) who has responsibility for determining whether an individual is capable and suitable to be an authorised carer must sign off on this written notice.

Conditions of authorisation are not recorded on the Carers Register; details of any conditions are to be retained on the agency system (including any changes).

The decision to suspend a carer's authorisation

A carer's authorisation may be suspended during an investigation or pending action prescribed by the designated agency for the carer to maintain suitability (S35 of the Care Regulation).

While the carer's authorisation is suspended, **no children can be placed** with the carer.

As this is a decision on the carer's authorisation, written advice signed by the Principal Officer must be provided to the carer including avenues for appeal (internal and NCAT).

The agency must record the change in authorisation on the Carers Register within 14 days of the decision.

Where a carer has met the direction of the designated agency and the designated agency determines that the suspension can be lifted, this must be recorded on the Carers Register within 14 days of the decision.

A letter signed by the Principal Officer should be provided to the carer detailing the lifting of the suspension and any conditions imposed should be included.

The decision to cancel a carer's authorisation

A carer's authorisation may be cancelled at any time where a designated agency is of the opinion that the authorised carer is no longer suitable or has failed to abide by the designated agency's direction of condition.

As this is a decision on the carer's authorisation, written advice signed by the Principal Officer must be provided to the carer including avenues for appeal (internal and NCAT).

The agency must record the change in authorisation within 14 days of the decision.

The decision to remove a child from an authorised carer

Designated agencies place children and young people with authorised carers. Decisions made relating to the removal of children from the care of authorised carers are reviewable. In accordance with the Community Services Act (S45), the carer must be informed of the reasons of the decision in writing.

Disclosure of high-level information – relevant to carers

A decision to disclose high-level identifying information without the carer's consent may be reviewed by NCAT. The OCG has developed a resource for designated agencies: [Disclosure of placement information to parents and significant others](#) which details the requirements and includes NCAT review rules.

What is not reviewable?

Automatic suspension of carer authorisation

Under s40 of the Care Regulation, where a designated agency becomes aware that an unsuitable co-resident resides in the same property as an authorised carer, the agency must notify the carer that the co-resident is unsuitable and within 48 hours remove the child or young person from the care of the authorised carer.

The authorisation of the carer is automatically suspended when the notification is given, however the suspension ceases to take effect once the unsuitable co-resident has left the property of the carer.

The automatic suspension of a carer and removal of a child or young person from their care under s40 of the Care Regulation is not reviewable.

An unsuitable co-resident is someone who does not meet the WWCC requirements. This could include that they do not hold a WWCC, WWCC application, continuing residence approval or is subject to an interim bar.

Automatic cancellation of a carer's authorisation – WWCC requirements not met

Where the carer receives a WWCC Bar or Interim Bar or does not meet the WWCC requirements, this is an auto cancellation, and the Carers Register needs to be updated to reflect this. (Section 37 of the Care Regulation)

The designated agency must remove the child or young person from the care of the authorised carer where their authorisation is automatically cancelled within 48 hours.

Automatic cancellation of a carer's authorisation because WWCC requirements are not being met is not a reviewable decision (Section 245 1b of the Care Act).

Provisional authorisation

Cancellation of an authorisation granted on a provisional basis is not reviewable. Where a person was provisionally authorised but did not formally apply to become an authorised carer (i.e. an application form was not received) at the time the provisional authorisation took effect, the decision not to authorise that person as an authorised carer is not reviewable.

A decision not to authorise will be reviewable if an application has been made to become an authorised carer at the time the provisional authorisation took effect.

Presumption authorisation will be cancelled - No child in placement

A designated agency may cancel a carer's authorisation in either of the following circumstances:

- the carer has not provided out-of-home care to a child or young person for 3 months or more, if the carer's authorisation relates to the out-of-home care of that particular child or young person
- the carer has not provided out-of-home care to any child or young person under their authorisation for 2 years or more.
 - unless it is satisfied that the authorisation should not be cancelled in the particular case

The designated agency must write to the carer informing them of its decision. A decision to cancel in these circumstances is not reviewable by the NCAT. However designated agencies should ensure they have robust record keeping systems to track these types of authorisations and end of placement dates to ensure the decision to cancel meets the legislative requirements.

Designated agencies are unable to use this section of the legislation (S39 of the Care Regulation) where an investigation into whether the person's authorisation should be cancelled is underway or where the person has applied for either an internal review of the cancellation decisions or where the person has applied to NCAT to review the decision to cancel and NCAT have not made a decision.

Contact the team

Please contact the OCG Carer and Residential Worker Monitoring Team for advice via email carers-register@ocg.nsw.gov.au