

Suspension and cancellation of carer authorisations

NSW Carers Register

Designated agencies can suspend or cancel a carer's authorisation in specific circumstances under the Children and Young Persons (Care and Protection) Regulation 2012 (Regulation).

This fact sheet provides guidance about when a designated agency can suspend or cancel a carer's authorisation and when such a decision can be reviewed.

The designated agency's decision to suspend or cancel a carer's authorisation may be reviewable in some circumstances by the NSW Civil and Administrative Tribunal (Tribunal) under the *Children and Young Persons (Care and Protection) Act 1998* (Act).

A designated agency must cancel a carer's authorisation (Regulation, cl 42CA) in either of the following circumstances, unless it is satisfied that the authorisation should not be cancelled in the particular case:

- 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 or
- the carer has not provided out-of-home care to any child or young person under their authorisation for 2 years or more.

A decision to cancel in these circumstances is not reviewable by the Tribunal (Act, s 245)

A designated agency may cancel or suspend a carer's authorisation (Regulation, cl 42) if it believes that the carer:

- is no longer a suitable person to be an authorised carer
- has not complied with any condition of the authorisation
- has not complied with any obligation imposed on the carer by the *Children and Young Persons (Care and Protection) Act 1998* or the Children and Young Persons (Care and Protection) Regulation 2012
- has not complied with a written direction from the designated agency or the Children's Guardian about the carer's authority in relation to a child or young person in their care
- has not upheld the Charter of Rights for children and young persons in out-of-home care.

The designated agency must write to the carer informing them of its decision.

A decision to cancel or suspend in these circumstances is reviewable by the Tribunal (Act, s 245)

