

NORTHERN TERRITORY OF AUSTRALIA
CARE AND PROTECTION OF CHILDREN (PLACEMENT ARRANGEMENT)
REGULATIONS 2010

As in force at 1 September 2010

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 September 2010

CARE AND PROTECTION OF CHILDREN (PLACEMENT ARRANGEMENT) REGULATIONS 2010

Regulations under the *Care and Protection of Children Act 2007*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Care and Protection of Children (Placement Arrangement) Regulations 2010*.

2 Definitions

In these Regulations:

authorised carer means an individual in relation to whom an approval under regulation 5(1) is in force.

emergency carer means an individual in relation to whom an approval under regulation 10(1) is in force.

mature person means an individual at least 15 years of age.

Part 2 Authorised carers

3 Eligibility

An individual is eligible to be an authorised carer if the CEO is satisfied of the following:

- (a) the individual holds a clearance notice that is in force;
- (b) the individual is capable of meeting the responsibilities of a carer mentioned in Part 4;
- (c) the individual is a fit and proper person to care for a child, taking into account the following:
 - (i) the individual's criminal history;

- (ii) the individual's experience caring for children;
 - (iii) the individual's health;
 - (iv) any character references in relation to the individual given to the CEO;
 - (v) any other matter the CEO considers relevant;
- (d) the individual will act in accordance with, to the extent applicable, the objects of the Act and the principles mentioned in Part 1.3 of the Act;
- (e) each mature person who resides with the individual is a fit and proper person to have daily contact with a child, taking into account the person's criminal history.

4 Nomination for approval

- (1) An individual may be nominated to be an authorised carer by the individual or a person involved in the care and protection of children.

Note for subregulation (1)

A nomination may be made in relation to 2 or more individuals who reside together.

- (2) The nomination must be in the approved form and accompanied by the following documents:
- (a) a copy of the individual's clearance notice or application for a clearance notice;
 - (b) the consent of the individual for the release to the CEO of medical information in relation to the individual, in the form required by the CEO;
 - (c) a character reference in relation to the individual provided by a person who has known the individual for at least 12 months;
 - (d) the consent of each mature person who resides with the individual for the Commissioner of Police to release to the CEO the person's criminal history.

5 Decision of CEO

- (1) The CEO may approve a nominee as an authorised carer if the nominee is eligible to be an authorised carer under regulation 3.

- (2) To decide whether a nominee is eligible to be an authorised carer, the CEO may do any of the following:
 - (a) seek information about the nominee from any person and consider any information received;
 - (b) require the nominee to:
 - (i) give any consent required to enable the CEO to obtain information about the nominee; or
 - (ii) give the CEO any further information the CEO considers necessary.
- (3) If a nominee does not comply with a requirement under subregulation (2)(b) within a reasonable time, the CEO may refuse to consider the nomination.
- (4) As soon as practicable after deciding whether or not to approve a nominee as an authorised carer, the CEO must notify the nominee in writing:
 - (a) whether or not the nominee is approved; and
 - (b) if the nominee is approved – any conditions of the approval; and
 - (c) if the nominee is not approved – the reasons for the decision.

6 Term of approval

Subject to regulation 8, the approval of an individual as an authorised carer is in force from the date the CEO gives notice of the approval to the individual under regulation 5(4) to:

- (a) the date which is 2 years after that date; or
- (b) if an earlier date is specified in the notice – the earlier date.

7 Review of approval

To ensure an authorised carer remains eligible to be an authorised carer, the CEO may, at any time, do any of the following:

- (a) seek information about the carer from any person and consider any information received;
- (b) require the carer to:
 - (i) give any consent required to enable the CEO to obtain information about the carer; or

- (ii) give the CEO any information the CEO considers necessary; or
- (iii) give the CEO the written consent of a mature person who resides with the carer for the Commissioner of Police to release to the CEO the person's criminal history.

8 Revocation of approval

- (1) The approval of an individual as an authorised carer is revoked on the date the individual ceases to hold a clearance notice that is in force as if the CEO had revoked the approval under subregulation (2).
- (2) The CEO must revoke the approval of an individual as an authorised carer if the individual otherwise ceases to be eligible to be an authorised carer.
- (3) The CEO may revoke the approval of an individual as an authorised carer if:
 - (a) the individual does not comply with a requirement under regulation 7(b) within a reasonable time; or
 - (b) the individual fails to meet a responsibility of the individual, or comply with a requirement, mentioned in Part 4.
- (4) If the CEO revokes the approval of an individual as an authorised carer:
 - (a) the CEO must notify the individual in writing of the revocation and the reason for it; and
 - (b) the revocation takes effect when the CEO gives the notice.

Part 3 Emergency carers

9 Eligibility

An individual is eligible to be an emergency carer if the CEO is satisfied of the following:

- (a) the individual is capable of meeting the responsibilities of a carer mentioned in Part 4 for a short period of time;
- (b) the individual is a fit and proper person to care for a child for a short period of time, taking into account any matter the CEO considers relevant;

- (c) the individual will act in accordance with, to the extent applicable, the objects of the Act and the principles mentioned in Part 1.3 of the Act;
- (d) each mature person who resides with the individual is a fit and proper person to have daily contact with a child, taking into account any matter the CEO considers relevant.

10 Decision of CEO

- (1) The CEO may approve an individual as an emergency carer for a particular child if:
 - (a) there is an urgent need for the CEO to enter into a placement arrangement for the child to safeguard the wellbeing of the child; and
 - (b) the CEO believes it is in the best interests of the child for the child to be placed with the individual; and
 - (c) the individual is not an authorised carer but is willing and able to enter into a placement arrangement in relation to the child;
 - (d) the individual is eligible to be an emergency carer under regulation 9; and
 - (e) the CEO receives the following consents:
 - (i) the consent of the individual for the Commissioner of Police to release to the CEO the individual's criminal history;
 - (ii) the consent of each mature person who resides with the individual for the Commissioner of Police to release to the CEO the person's criminal history.
- (2) To decide whether the individual is eligible to be an emergency carer, the CEO may do any of the following:
 - (a) seek information about the individual from any person and consider any information received;
 - (b) require the individual to:
 - (i) give any consent required to enable the CEO to obtain information about the individual; or
 - (ii) give the CEO any information the CEO considers necessary.

11 Term of approval

- (1) The approval of an individual as an emergency carer for a child is in force from the time the child is placed with the individual to:
 - (a) midnight 3 days after the date the child is placed with the carer; or
 - (b) if, before that date, the individual is nominated under regulation 4 to be an authorised carer – the date the CEO notifies the individual of the CEO's decision under regulation 5(4).
- (2) However, the approval of the individual as an emergency carer for the child ceases to be in force immediately if the placement of the child with the individual ends.

Part 4 Responsibilities of carer**12 Application**

This Part applies to a carer mentioned in section 78(1)(a) of the Act with whom a child is placed under a placement arrangement.

13 Care of child

The carer must:

- (a) have interest in, and respect for, the child; and
- (b) provide a safe, caring and stable environment for the child; and
- (c) provide appropriate accommodation for the child; and
- (d) provide the child's material requirements; and
- (e) ensure the child receives appropriate medical attention when required; and
- (f) encourage the development of the child; and
- (g) if the child is enrolled in school – ensure the child attends school; and
- (h) assist the child to maintain or recover his or her personal, familial and cultural identity; and
- (i) comply with, and assist with the implementation of, the care plan for the child; and

- (j) attend training or information sessions as directed by the CEO.

14 Change of contact details

If the carer's residential address or other contact details change, the carer must notify the CEO of his or her new address or contact details immediately after the change.

15 Other matters to be notified

- (1) The carer must notify the CEO immediately if any of the following occur:
 - (a) the child dies or suffers a serious injury that requires medical attention;
 - (b) the child absconds or is abducted;
 - (c) the child harms or threatens to harm himself or herself, the carer or a person who resides with the carer;
 - (d) the carer ceases to hold a clearance notice that is in force;
 - (e) the carer becomes unable or unwilling to meet one or more of the responsibilities mentioned in regulation 13;
 - (f) a mature person (other than a child under a placement arrangement) starts residing with the carer;
 - (g) a reportable event happens in relation to the carer or a person who resides with the carer.
- (2) The carer must notify the CEO as soon as practicable if any of the following occur:
 - (a) the carer is diagnosed with a disease or disorder or there is otherwise a significant deterioration in the carer's health;
 - (b) an event (other than an event mentioned in subregulation (1)), that has, or may have, a significant impact (whether positive or negative) on the child's physical, psychological or emotional wellbeing;
 - (c) the carer becomes aware or forms a suspicion that the child is engaging in illegal activity.

Examples for subregulation (2)(b)

1 Non-routine medical treatment.

2 Unplanned contact between the child and a member of the child's family.

(3) In this regulation:

reportable event, in relation to a person, means any of the following:

- (a) the person is arrested;
- (b) the person is apprehended and taken into custody under section 128 of the *Police Administration Act 1978*;
- (c) the person is charged with, or convicted of, an offence;
- (d) the person is the victim of domestic violence as defined in section 5 of the *Domestic and Family Violence Act 2007*;
- (e) a domestic violence order as defined in section 4 of the *Domestic and Family Violence Act 2007* is made against the person.

16 Information to be given

The carer must, within a reasonable time, give the CEO any information in relation to the child that the CEO reasonably requests.

17 Return of child's property and personal items

(1) This regulation applies if:

- (a) the placement of the child with the carer ends; and
- (b) any of the child's property or personal items are left with the carer.

(2) The carer must give the property or personal items to the child or CEO as soon as practicable.

(3) In this regulation:

personal items, see section 86(6) of the Act.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = Gazette

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2

LIST OF LEGISLATION

Care and Protection of Children (Placement Arrangement) Regulations (SL No. 19, 2010)

Notified 1 September 2010

Commenced 1 September 2010

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GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1 and 15.