

CHILD PROTECTION — CHILDREN AND COMMUNITY SERVICES
AMENDMENT REGULATIONS 2022

755. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the *Children and Community Services Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Sue Ellery replied:

- (a) Commencement of the relevant sections of the *Children and Community Services Amendment Act 2021* on 1 May 2022 required concurrent commencement of amendments to the regulations.
- (b) Consultation was undertaken with the below stakeholders where relevant to the regulations:

Department of Communities staff, including Aboriginal Practice Leaders

Department of Education

Department of Justice

Department of Local Government, Sport and Cultural Industries

Department of Training and Workforce Development

Mental Health Commission

Stakeholder submissions to the *Statutory Review of the Children and Community Services Act 2004*

Yorganop Association Inc.

Yorgum

Noongar Family Safety and Wellbeing Council

The Regulation 23 consultation draft was also provided to Aboriginal representatives on the Aboriginal Family Led Decision Making Pilot Implementation Group including Aboriginal Legal Service, the Australian Childhood Foundation, Curtin University and Department of Health.

- (c) Yes.

- (d) The following two concerns were raised during the consultation process:

Knowledge of cultural practices specific to the child's community – a concern was expressed that without further specification, Regulation 23 as drafted may enable an Aboriginal organisation or Aboriginal individual who meets the criteria in Regulation 23 to prepare a s.61(2B) court report without having knowledge and understanding specific Aboriginal or Torres Strait Islander cultural practices of the child's community.

The appropriateness of Aboriginal individuals (as compared to Aboriginal organisations) preparing reports – a concern was expressed about governance of reports prepared by an Aboriginal individual, compared to an Aboriginal organisation.

- (e) No.

- (f) In respect of the first concern, such a requirement, alongside the other requirements of Regulation 23, would unreasonably limit the extent to which organisations or individuals would be eligible to prepare the required court report and therefore the ability of the Chief Executive Officer of the Department of Communities to provide the requisite report to the Court.

In respect of the second concern, there may be cases where the circumstances of the particular child warrant a report by individuals with expertise that is not otherwise available within the pool of eligible Aboriginal organisations. This would have the effect of excluding, for example, Aboriginal psychologists with expertise in children with disability or special needs.

