



Hon Simone McGurk MLA
Minister for Child Protection; Women's Interests;
Prevention of Family and Domestic Violence; Community Services

Our ref: 74-03650/16

Ms Melanie Mitchell
Lachlan's Legacy
Melhampton83@hotmail.com

Dear Ms Mitchell *Melanie,*

Thank you for meeting with me on 26 June 2018, to discuss the Coroner's Report following the inquest into the death of your son, Lachlan, in 2015.

As you are aware, the Coroner has made certain recommendations as a result of Lachlan's death and you have also advocated for the banning of pools, spas and water hazards in family day care premises, the requirement for all family day care premises to have a fixed land line and quarterly compliance/safety checks.

I have requested the Department of Communities (Communities) to commence the process to address the Coroner's recommendations. Communities will consult with the family day care sector to determine the most appropriate approach in addressing the recommendations. This may be through legislative changes imposing conditions on the Approved Provider or through policy enhancements. Each option has its own merits, however some may be quicker to implement than others.

Implementing changes to legislation is a lengthy process, whereas imposing a condition on the Approved Provider may result in a quicker outcome that achieves the same purpose in the short term. Consultation with the sector aims to provide clarity on the options, and enable more definitive timelines for implementation. Overall, amending the legislation may take six to 12 months, depending on the complexity of the issue.

I would like to assure you that I will implement the best options to ensure that each family day care service is safe for the children of Western Australia. I am aware that some family day care approved providers have already implemented policies which do not allow family day care services under their approval to have pools, spas or water hazards at the premises.

I am advised Communities is also currently visiting all family day care services in Western Australia that have a pool, outdoor spa or jacuzzi on their property, in order to record evidence of these features and review water safety policies.

I have recently tabled amendments to the Education and Care Services National Law in Parliament, a number of which relate to family day care services, including the implementation of coordinator to educator ratios. The coordinators are responsible for visiting, training and supporting educators. By imposing a ratio, the legislation will ensure there are sufficient coordinators to perform this important responsibility.

An additional change includes setting an educator cap on all approved providers to ensure the span of control of an approved provider is not overextended, thereby ensuring educators are adequately monitored and supported. The Communities Education and Care Regulatory Unit will be monitoring these changes as part of their regular compliance actions.

I will keep you updated on the progress of implementing the Coroner's recommendations; in the meantime if you have any further queries regarding this matter, please contact Dr Susan Gallacher, Senior Policy Officer at my office, on (08) 6552 6600 or at Susan.Gallacher@dpc.wa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Simone McGurk' with a flourish at the end.

HON SIMONE MCGURK MLA
**MINISTER FOR CHILD PROTECTION, WOMEN'S INTERESTS;
PREVENTION OF FAMILY AND DOMESTIC VIOLENCE; COMMUNITY SERVICES**

25 JUL 2018