



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

Our ref: 74-03650/21

Ms Melanie Mitchell  
[melanie@lachlanslegacy.com.au](mailto:melanie@lachlanslegacy.com.au)

Dear Ms Mitchell *Melanie,*

Thank you for your correspondence dated 30 July 2018 regarding your further queries following our meeting on 26 June 2018.

Conditions imposed on Approved Providers

Conditions imposed on Approved Providers are set by the Regulatory Authority. The Regulatory Authority ensures the criteria of the condition is adhered to and can make amendments to the condition at any time. If the Regulatory Authority can prove an Approved Provider breached a condition, the Approved Provider may be prosecuted or taken to the State Administrative Tribunal and fined, or its service or the Approved Provider itself, may be suspended from providing education and care.

Legislative changes to ensure longevity of the amendments

I understand your preference for long term changes to be actioned, and I wish to assure you the imposition of new conditions on a provider and/or service approval will not preclude legislative amendment. The process for legislative amendments is complex and must include sector consultation and an assessment of the regulatory impact of the proposed amendments.

Formal training for coordinators

The *Education and Care Services National Regulations* specifies diploma level qualifications for coordinators and legislates for first aid, anaphylaxis management and emergency asthma management training. It does not legislate for training for coordinators in risk assessment and work place safety. I am advised the Royal Surf Lifesaving Club Inc (RSLC) is in the process of developing a course to address pool inspection training, and the Department of Communities will be contacting the RSLC regarding this new course as part of the consultation process for implementing the Coroner's recommendations.

Approved Providers being held accountable in law

Approved Providers and Family Day Care educators are held to account for failing to ensure adequate supervision. There is no separate or increased maximum penalty for serious injury or a fatality resulting from the inadequate supervision. Such amendments are not currently being considered, however Western Australia may request this be included as part of the next national review of the legislation.

I trust this information has addressed your queries and I look forward to our meeting with the Hon Mark McGowan MLA, Premier, and the Hon John Quigley MLA, Attorney General, on 15 August 2018.

Please do not hesitate to get in touch with any further questions you may have as we move through this process by contacting Dr Susan Gallacher, Senior Policy Officer at my office, on (08) 6552 6600 or at [Susan.Gallacher@dpc.wa.gov.au](mailto:Susan.Gallacher@dpc.wa.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simone', with a horizontal line extending to the right.

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

13 AUG 2018