



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

Our ref: 74-03650/9

PERTH CORONER'S COURT

Ms Dawn Wright  
Manager Listings  
Office of the State Coroner  
Coroner's Court of Western Australia  
Level 10, Central Law Courts  
501 Hay Street  
PERTH WA 6000

8 - AUG 2018

RECEIVED

Dear Ms Wright

Thank you for your correspondence dated 3 June 2018 regarding the inquest into the death of Lachlan Mitchell and the Coroner's findings. As the Minister for Community Services, the regulation of education and care services falls under my portfolio responsibilities.

I have been awaiting the outcome of the inquest into Lachlan's tragic drowning and can 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. As the Western Australian Regulatory Authority, the Department of Communities (Communities) is looking at how best to enact the Coroner's recommendations.

Following the release of the report, I met with Ms Mitchell, Lachlan's mother, to discuss the findings of the report. As I conveyed to Ms Mitchell, I am supportive of the recommendation for Family Day Care Educators to install a fixed landline at their premises to ensure emergency services is contactable in the event of an emergency (Recommendation 4). Further, I am also supportive of increasing inspections and restricting new Family Day Care Educators to those who do not have a pool or spa (Recommendations 3 and 2).

In regards to Recommendation 1, Communities is currently gauging the impact of this proposed change, including an assessment of the potential impact on availability of care, especially in regional and remote areas. The changes that are required to ensure the safety of children in education and care will be made in consultation with the sector, and I have written to the sector to seek their feedback.

I am pleased to advise the former Department of Local Government and Communities had implemented a number of actions including:

- All Family Day Care service approvals in Western Australia were recalled and reissued with a new condition requiring the Approved Provider to ensure that, where there is a swimming pool, spa or other water feature at the residence of a Family Day Care Educator

who is registered with the service, the Family Day Care Educator must be directly supervising and physically in proximity to any child in their care who is near the pool.

- A new penalty is being developed in support of this condition, enabling an Approved Family Day Care Provider to receive a penalty of up to \$50,000 should this condition not be applied.
- A quarterly register of all Family Day Care Providers whose properties have a pool/spa and/or water hazards was established, including the date of last inspection visit to ensure the Family Day Care Provider is meeting requirements.
- A workshop was held with Family Day Care Providers to ensure they are aware of what happened to Lachlan and the new condition requiring heightened supervision.

I acknowledge it is proposed a copy of my response will be included in the next Annual Report provided by the State Coroner to the Attorney General and will be added to the Coroner's Court website.

Yours sincerely

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

- 2 AUG 2018