

09 SEP 2022

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

Our ref: 74-24339

Ms Rosalinda Fogliani  
State Coroner  
Coroner's Court of Western Australia  
Level 10, Central Law Courts  
501 Hay Street  
PERTH WA 6000

Dear Ms Fogliani

I am writing to provide a courtesy update on the implementation of the Government's response to the 2018 Inquest Findings into the death of Lachlan James Mitchell delivered by Coroner Linton.

The Department of Communities (Communities), as the regulating authority for family day care services, started consultation with the sector in 2018 prior to launching a Regulatory Impact Assessment (RIA) process in 2019 to develop a government response to the Coroner's Report. The RIA process culminated in the release of the Decision Regulation Impact Statement in 2020. Regulation amendments have been developed to implement the preferred options outlined in the Decision Statement and these amendments will commence from 1 September 2022. For your information, I have included a link to the website where copies of these documents may be obtained. <https://www.wa.gov.au/government/document-collections/family-day-care-residences-or-venues-swimming-pools-spas-and-water-features-western-australia>

Following Coroner Linton's recommendations relating to the operation of the family day care sector to uphold the health, safety and wellbeing of children, Communities developed options for my consideration. In weighing the impact of proposed changes on the family day care sector, the families who rely on them and most importantly, the safety of the children who attend a family day care service, I made a decision to implement a policy combination that includes the following measures:

- a ban on new educators with a pool or spa entering the sector
- limited transfer options for existing educators with a pool or spa
- improved oversight requirements including monthly inspections of residences with a pool or spa, and
- additional safety equipment requirements including a backup communications device in a fixed location and additional safety devices for pools or spas in addition to existing fencing requirements:



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Communities monitors the number of family day care educators with pools and has seen a decline in numbers from 233 in June 2018 to 140 as of May 2022. This reduction in the number of educators means that the Government's ban on new entrants since 2020, coupled with natural attrition, is achieving the desired reduction in risk to children in family day care.

I would like to acknowledge the work of the Coroner's Court in inquiring into often complex and tragic deaths to help prevent similar occurrences. I hope that the regulatory changes we have made contributes to that goal.

If you require any further information, please contact Mr Phil Payne, Executive Director, Regulation and Quality, at Communities by telephone on 0439 536 685 or by email at [phil.payne@communities.wa.gov.au](mailto:phil.payne@communities.wa.gov.au).

Yours sincerely

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

1 September 2022