



**Society of Professional Social Workers (Inc.)**

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The Hon Dr Sally Talbot, MLC

Dr. Dr. Talbot

**Re: Comment - Children and Community Services Act 2019  
Amendment Bill**

The Society of Professional Social Workers Inc. (SPSW) is pleased to have the opportunity to make comment in respect to the 2019 Children and Community Services Act

SPSW would like to congratulate the State Government on these long overdue amendments, particularly in regard to the placement of Aboriginal children into the CEOs care.

The SPSW would like to submit the following comments, questions or suggestions about the proposed amendments to the Children and Community Services Act 2004.

The SPSW agrees with the overall thrust of the amendments, which we are pleased to note, aim at including Aboriginal families and/or Aboriginal Register Organisations in being involved in the planning and placement of Aboriginal children into the CEO's care.

Our comments or questions are as follows:

1. At what age could or should a child (i.e. a person between the ages of birth and 18 years) be able to be involved in the decision making or planning about his or her placement.

Based on the child development research, this point doesn't seem clear. For example, would a child of less than seven years of age be able to know and/or articulate his or her preference? Presumably, a child under six or seven wouldn't necessarily have the ability to make such decisions or understand the conversations and reasoning.

## 2. Aboriginal Registered Organisations:

It doesn't seem to say where, how or with whom these organisations are registered. It seems to imply that registration occurs with the CEO of the Department of Communities. Apart from that, the SPSW would like to see one further step, which is the organisation being incorporated as a not-for-profit association under the auspices of the Associations Incorporations Act 2015. This would give the organisation and its officers a legal framework, legal responsibility and some protection.

## 3. Special Guardianship

As we understand it, this was a legal status, which was introduced to the legislation quite some time ago.

However, if the Children's Court grants a carer the status, responsibilities and title of Special Guardian, which seems to imply that the Special Guardian has more independent responsibility and legal authority than a carer or foster parent and that a subsidy is not usually paid to a Special Guardian, why would there need to be continual reviews?

Our understanding of this status is that the Special Guardian assumes all of the responsibilities (and costs) of caring for the child as if they were the parent.

## 4. The title 'Family' is to replace 'Parents'.

This would generally appear to be a good change. However, unless we have missed it, there doesn't appear to be a definition of 'parent' or 'family' (or 'special guardian').

Thank you for the opportunity to present our comments and we look forward to seeing the final result.

Yours sincerely

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President,  
The Society of Professional Social Workers