

Children and Community Services Amendment Regulations 2022

SL 2022/49

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services Amendment Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 May 2022.

3. Regulations amended

These regulations amend the *Children and Community Services Regulations 2006*.

4. Regulation 4 amended

After regulation 4(1)(a)(i) insert:

- (ia) is able to provide care for a child in a way that supports the child's culture and identity; and

5. Regulation 4A inserted

After regulation 4 insert:

**4A. Interim placement arrangements
(Act s. 79(2)(a)(iv))**

- (1) In this regulation —
interim carer, in relation to an interim placement arrangement, means the individual who provides, or will provide, care for a child under the interim placement arrangement.
- (2) The CEO may, under section 79(2), make an arrangement (an *interim placement arrangement*) for the placement of a child with an individual who is not approved under regulation 4(1).
- (3) Before, or as soon as practicable after, an interim placement arrangement is made in respect of a child, the following requirements must be met —
 - (a) the interim carer must make, and give to the CEO, a statutory declaration, in a form approved by the CEO, that addresses matters relevant to the interim carer's suitability to provide care for the child;
 - (b) the interim carer must consent to the CEO carrying out any check (including a criminal record check) that the CEO considers appropriate for the purposes of assessing the interim carer's suitability to provide care for the child;
 - (c) the CEO must confirm that a negative notice or an interim negative notice has not been issued to the interim carer under the *Working with Children (Criminal Record Checking) Act 2004*;
 - (d) an officer must visit the place where the child is, or will be, living under the interim placement arrangement.
- (4) The CEO must cancel an interim placement arrangement if —
 - (a) any of the requirements in subregulation (3) are not met within 5 working days after the day on which the interim placement arrangement is made; or
 - (b) the interim carer is not approved under regulation 4(1) within 6 months after the day on which the interim placement arrangement is made.

- (5) If, within 6 months after the day on which an interim placement arrangement is made, the interim carer is approved under regulation 4(1), then, on and from the date of approval, the interim placement arrangement is taken to be a placement arrangement made under section 79(2)(a)(i).

6. Regulations 9AD and 9AE inserted

At the end of Part 4AA insert:

9AD. Information in application for entry warrant (Act s. 241L(2)(a))

An application for an entry warrant made under section 241L(1) must include the following —

- (a) the applicant's full name and official details;
- (b) the place in relation to which the warrant is sought;
- (c) the authorised purpose for which entry to the place is required;
- (d) the grounds on which the applicant considers that entry to the place is required;
- (e) the period, not exceeding 14 days, proposed for execution of the warrant;
- (f) a statement to the best of the applicant's knowledge about whether an application for an entry warrant in respect of the same place has been made under section 241L(1) within the previous 72 hours and, if so, whether or not an entry warrant was issued.

9AE. Form of entry warrant (Act s. 241M(3))

An entry warrant issued under section 241M(1) must be in the form of Schedule 1 Form 3A.

7. Regulation 20A amended

Delete regulation 20A(i) and insert:

- (i) the department of the Public Service principally assisting in the administration of the *Mental Health Act 2014*;

8. Regulations 22 and 23 inserted

At the end of Part 6 insert:

22. Public authorities to which s. 22(4AA) applies

Section 22(4AA) applies to the following public authorities —

- (a) the department of the Public Service principally assisting in the administration of the *Local Government Act 1995*;
- (b) the department of the Public Service principally assisting in the administration of the *Mental Health Act 2014*;
- (c) the department of the Public Service principally assisting in the administration of the *Prisons Act 1981*;
- (d) the department of the Public Service principally assisting in the administration of the *School Education Act 1999*;
- (e) the department of the Public Service principally assisting in the administration of the *Vocational Education and Training Act 1996* (other than Part 4 of that Act).

23. Prescribed criteria for person preparing report under s. 61(2B)

(1) In this regulation —

Aboriginal or Torres Strait Islander organisation means a body corporate —

- (a) the governing body of which is comprised, or substantially comprised, of Aboriginal persons, Torres Strait Islanders or both Aboriginal persons and Torres Strait Islanders; and
 - (b) that has as its principal object, or one of its principal objects, the promotion of the interests of Aboriginal persons, Torres Strait Islanders or both Aboriginal persons and Torres Strait Islanders.
- (2) A person who prepares a written report for the purposes of section 61(2B) must be —
- (a) an Aboriginal or Torres Strait Islander organisation the members of the governing body and staff of which have, between them —
 - (i) experience in the provision of social services to Aboriginal persons or Torres Strait Islanders; and

- (ii) knowledge and understanding of the matters described in subregulation (3); and
 - (iii) the ability to engage and communicate with Aboriginal children, Torres Strait Islander children and their families;
- or
- (b) an individual (other than an officer of the Department) who —
 - (i) is an Aboriginal person or Torres Strait Islander; and
 - (ii) has the experience, knowledge, understanding and ability referred to in paragraph (a)(i), (ii) and (iii).
- (3) For the purposes of subregulation (2)(a)(ii), the matters are —
- (a) Aboriginal or Torres Strait Islander cultural practices; and
 - (b) child protection practices and processes, including cultural support requirements; and
 - (c) child development; and
 - (d) child rearing practices in respect of Aboriginal children or Torres Strait Islander children; and
 - (e) the impact of trauma (including intergenerational trauma) associated with disconnection from family, culture and country on the wellbeing of Aboriginal children, Torres Strait Islander children and their families.

9. Schedule 1 amended

- (1) Delete the reference after the heading to Schedule 1 and insert:

[r. 9AA, 9AB, 9AC, 9AE, 16E, 16I and 16L]

- (2) After Schedule 1 Form 3 insert:

3A. Entry warrant

| | |
|---|---|
| <i>Children and Community Services Act 2004</i> | |
| Entry warrant | |
| To | <ul style="list-style-type: none"> *All authorised officers *All industrial inspectors *Delete if inapplicable |

| | | | |
|--|--|-------|-------|
| Application | The applicant has applied under the <i>Children and Community Services Act 2004</i> section 241L(1) to me, a magistrate, for a warrant authorising the entry of a place for an authorised purpose. | | |
| Applicant's details | Full name and official details | | |
| Authorised purpose for which entry is required | | | |
| Suspected offence (if any) | Provision(s) | | |
| Warrant | This warrant authorises you to enter the place described below. | | |
| Place to be entered | | | |
| Execution period | This warrant must be executed within _____ day(s) after the date it is issued. | | |
| Issuing details | Name of magistrate | | |
| | Date | | Time |
| Magistrate's signature | Issued by me on the above date and at the above time. Magistrate | | |
| Execution details | Start | Date: | Time: |
| | End | Date: | Time: |
| | Occupier present? Yes/No Entry audiovisually recorded? Yes/No | | |
| Person executing this warrant | Name | | |

10. Various references to “his or her” amended

In the provisions listed in the Table delete “his or her” and insert:

their

Table

| | |
|----------------|------------------|
| r. 4(1)(a)(iv) | r. 11(1) and (2) |
| r. 16I(c) | r. 19 |

N. HAGLEY, Clerk of the Executive Council.