



Western Australia

Children and Community Services Act 2004

Children and Community Services Amendment Regulations (No. 3) 2026

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Children and Community Services Amendment Regulations (No. 3) 2026

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Children and Community Services Amendment Regulations (No. 3) 2026*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day on which the *Children and Community Services Amendment Act 2021* section 15 comes into operation.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

Department's website means a website maintained by or on behalf of the Department;

5. **Part 2A inserted**

After regulation 5 insert:

Part 2A — Aboriginal or Torres Strait Islander representative organisations

5A. Applications for approval of Aboriginal or Torres Strait Islander representative organisations (Act s. 22A(1))

- (1) The CEO may, by notice published on the Department's website, invite applications for approval as an Aboriginal or Torres Strait Islander representative organisation.
- (2) An invitation may —
 - (a) specify a period within which applications may be made; and
 - (b) specify an area of the State in relation to which applications may be made.
- (3) An organisation may apply for approval as an Aboriginal or Torres Strait Islander representative organisation in accordance with an invitation.
- (4) An application must —
 - (a) be made in the form and way approved by the CEO under subregulation (5)(a); and
 - (b) be accompanied by evidence that the organisation meets the requirements for approval set out in regulation 5B(2).

- (5) The CEO —
 - (a) may approve the form of an application, and the way in which an application is to be made, for the purposes of this regulation; and
 - (b) if a form or way is approved under paragraph (a) — must publish the approved form, or information about the approved way, on the Department’s website.

5B. Approval of Aboriginal or Torres Strait Islander representative organisations (Act s. 22A(1))

- (1) In this regulation —
representative organisation function means —
 - (a) consultation under section 81(1)(b) about a placement arrangement in respect of an Aboriginal child or Torres Strait Islander child; or
 - (b) participation under section 89C in the preparation of a cultural support plan for an Aboriginal child or Torres Strait Islander child; or
 - (c) participation under section 90(2A) in the review of a cultural support plan for an Aboriginal child or Torres Strait Islander child.
- (2) For the purposes of section 22A(1), the CEO may approve an organisation as an Aboriginal or Torres Strait Islander representative organisation if the CEO is satisfied that —
 - (a) the organisation’s governing body is comprised, or substantially comprised, of Aboriginal persons, Torres Strait Islanders or both Aboriginal persons and Torres Strait Islanders; and

- (b) the organisation's principal object, or 1 of its principal objects, is the promotion of the interests of Aboriginal persons, Torres Strait Islanders or both Aboriginal persons and Torres Strait Islanders; and
- (c) either —
 - (i) the members of the governing body and staff of the organisation have, between them, experience in the provision of social services to Aboriginal persons or Torres Strait Islanders; or
 - (ii) before the organisation carries out any representative organisation functions, the organisation will engage 1 or more persons with experience in the provision of social services to Aboriginal persons or Torres Strait Islanders;and
- (d) the members of the governing body and staff of the organisation have, between them —
 - (i) knowledge and understanding of the matters set out in subregulation (3); and
 - (ii) the ability to engage and communicate with Aboriginal children, or Torres Strait Islander children, and their families;and
- (e) the organisation's systems, processes and governance arrangements, including in relation to financial management, record-keeping and managing conflicts of interest and confidential information, are appropriate for carrying out representative organisation functions.

- (3) 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, or Torres Strait Islander children, and their families.
- (4) If the CEO approves an organisation, the CEO must determine the period for which the approval has effect.
- (5) An approval must —
 - (a) be in writing; and
 - (b) specify —
 - (i) the period for which the approval has effect; and
 - (ii) any conditions to which the approval is subject.
- (6) An approval has effect for the period specified under subregulation (5)(b)(i), unless earlier revoked under regulation 5C.

5C. Revoking approval of Aboriginal or Torres Strait Islander representative organisations

- (1) The CEO may revoke an approval of an Aboriginal or Torres Strait Islander representative organisation if —
 - (a) the organisation has requested in writing that the approval be revoked; or
 - (b) the CEO can no longer be satisfied as to a matter referred to in regulation 5B(2) in relation to the organisation; or
 - (c) the CEO believes, on reasonable grounds, that the approval was obtained improperly; or
 - (d) the CEO is satisfied that the organisation has contravened a condition of the approval; or
 - (e) the CEO is satisfied that it is otherwise reasonable in the circumstances to do so.
- (2) Without limiting subregulation (1)(c), an approval was obtained improperly if the organisation provided information in connection with the application for approval that was false or misleading in a material particular.
- (3) Before revoking an approval on a ground referred to in subregulation (1)(b) to (e), the CEO must —
 - (a) give a written notice to the organisation —
 - (i) stating the reasons for the proposed revocation; and
 - (ii) informing the organisation that the organisation is entitled to make representations to the CEO in respect of the proposed revocation within 28 days after receipt of the notice;and

- (b) have regard to any representations made within the period referred to in paragraph (a)(ii).

6. Regulation 23 amended

In regulation 23(2)(a)(iii) and (3)(e) delete “Torres Strait Islander children” and insert:

or Torres Strait Islander children,

7. Part 7 Division 1 heading inserted

At the beginning of Part 7 insert:

Division 1 — Transitional provisions for *Children and Community Services Regulations 2006*

8. Part 7 Division 2 inserted

At the end of Part 7 insert:

Division 2 — Transitional provision for *Children and Community Services Amendment Regulations (No. 3) 2026*

30. References to provisions before commencement of *Children and Community Services Amendment Act 2021* s. 32, 39 and 40

In regulation 5B(1), in the definition of *representative organisation function* —

- (a) in paragraph (a), the reference to section 81(1)(b) is, before the coming into

- operation of the *Children and Community Services Amendment Act 2021* section 32, a reference to section 81(1)(b) as it will be inserted by the *Children and Community Services Amendment Act 2021* section 32; and
- (b) in paragraph (b), the reference to section 89C is, before the coming into operation of the *Children and Community Services Amendment Act 2021* section 39, a reference to section 89C as it will be inserted by the *Children and Community Services Amendment Act 2021* section 39; and
 - (c) in paragraph (c), the reference to section 90(2A) is, before the coming into operation of the *Children and Community Services Amendment Act 2021* section 40, a reference to section 90(2A) as it will be inserted by the *Children and Community Services Amendment Act 2021* section 40.

BRENDAN D'SA, Clerk of the Executive Council