

Children and Community Services Act 2004, Western Australia

2004 –

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_132_homepage.html

Details

The Children and Community Services Act 2004 (Act no.2004/034) is the principal legislation governing the care and protection of children in Western Australia. It is administered by the government department responsible for the welfare of children. In 2014, this was the Department for Child Protection and Family Support. The purpose outlined in the Act is broad. It seeks to promote the wellbeing of children, other individuals, families and communities and to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children. The Act aims to encourage and support parents, families and communities in carrying out that role. It provides for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care. The Children and Community Services Act 2004 repealed the Child Welfare Act 1947, and the Community Services Act 1972.

The purpose of the Children and Community Services Act 2004 is to promote the wellbeing of children, other individuals, families and communities and to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children. The Act aims to encourage and support parents, families and communities in carrying out that role. It provides for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care. The Act also aims to protect children from exploitation in employment. The Children and Community Services Act 2004 also repeals: the Child Welfare Act 1947; the Community Services Act 1972; the Welfare and Assistance Act 1961; to amend certain Acts and to provide for related matters.

This Act governs the operations of the Department for Child Protection and Family Support in Western Australia. The Department's website explains what this Act does:

The Children and Community Services Act 2004, which came into operation on 1 March 2006, is the main legislation that governs the Department's three service areas:

- *Supporting children and young people in the Chief Executive Officer's care.*
- *Protecting children and young people from abuse.*
- *Supporting individuals and families at risk or in crisis.*

The objects of the Act are:

- *to promote the wellbeing of children, individuals, families and communities;*
- *to acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children;*

- to encourage and support parents, families and communities in carrying out that role;
- to provide for the protection and care of children in circumstances where their parents have not given, or are unlikely or unable to give, that protection and care; and
- to protect children from exploitation in employment.

The *Children and Community Services Act 2004* (s.128) requires the head of the department to ensure that 'records are kept in respect of every child who is or has been' in the care of the department since the Act came into force. Section 7 includes records made 'on and after commencement' of the *Child Welfare Act 1947* (s.11). This means that every child or young person who has been in the care of the department from 2004 onwards should always have records retained for them to access when they are ready to do so, and that those records made after 1947 and which were in existence in 2004 are to be kept forever. Section 238 defines a 'departmental record' and outlines how it can be used in legal proceedings. A departmental record is 'a document in the records of the Department that relates to a child, a child's parent or a child's carer'.

More info

Chronology

- Community Welfare Act 1972, Western Australia (1972 - 2006)
- Child Welfare Act 1947, Western Australia (1948 - 2006)
 - **Children and Community Services Act 2004, Western Australia (2004 –)**

Related Entries

Related Glossary Terms

- [Aboriginal Child Placement Principle \(1983 - current\)](#)

Related Organisations

- [Department for Child Protection, State of Western Australia \(1 July 2007 - 16 May 2013\)](#)
The Department for Child Protection administered the *Children and Community Services Act 2004*
- [Department for Child Protection and Family Support, State of Western Australia \(27 May 2013 - July 2017\)](#)
The Department for Child Protection and Family Support administers the *Children and Community Services Act 2004*.
- [Child Protection and Family Support, State of Western Australia \(July 2017 - current\)](#)
- [Department for Community Development, State of Western Australia \(1 July 2001 - 30 June 2007\)](#)
The Department for Community Development administered the *Children and Community Services Act 2004* after it took effect on 1 March 2006.
Date: 1 March 2006 - 30 June 2007

Is amended by

- [Children and Community Services Amendment \(Reporting Sexual Abuse of Children\) 2008, Western Australia \(2009 - current\)](#)
- [Children and Community Services Amendment Act 2010, Western Australia \(2010 - current\)](#)

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