



Indigenous Services Youth Act 2018

Youth Act No. 1 of 2018

A Youth Act to provide support services (and related purposes) for Aboriginal and Torres Strait Islander Communities in the State of Queensland

[Assented to 26 October 2018]



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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Indigenous Services Youth Act 2018*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

The main purpose of this Youth Act is to provide support services in the areas of health, justice, housing and education for Aboriginal and Torres Strait Islander communities.

4 Definitions

In this Youth Act—

Cultural awareness means learning different cultures to one's own, improving communication and understanding with people of other cultures.

Health professional means an allied health or medical professional that undertakes medical related practice and is capable of registration with an approved medical board or authority under section 52 of the *Health Practitioner Regulation National Law (Queensland) 2009*.

Indigenous Australian means the original custodians of Australia.

Indigenous Elder means in general, men and women in Aboriginal communities who are respected for their knowledge of their culture. The criteria of an elder will differ between Aboriginal and Torres Strait Islander communities.

Regional Community means a community that is categorised as regional by way of local or state planning instrument.

At risk community means communities with high rates of suicide, homelessness and substance abuse.

Sustainable housing community means 65% of the energy utilised in the housing community must be sourced through sustainable energy methods.

Part 3 Health

Division 1 Cultural Capability Program in Health (CCPH)

9 Mandatory requirements of health professionals

- (1) The Cultural Capability Program in Health (CCPH) will be established; and
- (2) Enrolment in the CCPH will be optional for all accredited health professionals.

10 Remuneration

- (1) health professionals will receive during the duration of the program:
 - (a) accommodation costs up to \$20000 per annum
 - (b) relocation costs
 - (c) paid leave
 - (d) 1 round trip home per year
 - (e) \$15000 bond per year of employment
- (2) If the healthcare professional has children in their care, they will receive \$5000 per child per year, provided:
 - (a) The child is living with the parent at home.
- (3) Prior to commencing the program, Health Professionals will undertake a language course in the native language of the community of their placement.

Division 2 Community participation in the Cultural Capability Program in Health (CCPH)

11 Criteria for Eligible Communities

- (1) The CCPH will take effect in remote areas (RA4) and very remote areas (RA5) based on the Australian Standard Geographical Classification - Remoteness Areas classification system.
- (2) Communities with the highest rate of chronic health condition will be given priority.

Part 4 Injection Rooms

Division 1 Implementation of Safe Injecting Premises (SIP)

12 Implementation of Safe Injecting Premises (SIP)

- (1) The Indigenous Services Commission will evaluate regional communities with an Indigenous population, and injection facilities will be established according to a criterion devised by the commission.
- (2) The Queensland Government will acquire property for the premise under the *Acquisition of Land Act 1967*.

Division 2 Drug maintenance in SIP

- (1) A person in a SIP is exempt from sections 9, 9A, 10, 10A, 10B, and 11 of the *Drugs Misuse Act 1989 (Queensland)*; and
- (2) A person in a SIP will be not exempt from sections 9B, 9C, and 9D of the *Drugs Misuse Act 1989 (Queensland)*; and
- (3) Any person involved in the supplying of dangerous drugs will be reported to police.

Division 3 Requirements of SIP

- (1) Each SIP will contain:
 - (a) one first aid area,
 - (b) 10 individual injection rooms,
 - (c) a substance-free communal space and
 - (d) security and
 - (e) nursing offices.
- (2) SIP clients must be:
 - (a) Indigenous members of the community; or
 - (b) Be granted admission by an Indigenous elder; and
 - (c) over the age of sixteen; and

- (d) breathalysed upon entry.
- (3) The Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) will employ:
 - (a) 3 security officers and
 - (b) 8 nurses
 - (c) 5 community elders will be employed by the department to manage and supervise the facility
 - (d) Travelling allied health professionals, through the CCPH.
- (4) The SIP will operate:
 - (a) from 3pm – 2am; and
 - (b) 7 days a week.
- (5) The SIP injection rooms will operate:
 - (a) from 4pm – 1am; and
 - (b) 7 days a week.

Division 4 Staff Requirements of SIP

13 Security Officer Requirements

- (1) 3 security officers will be employed by DATSIP to supervise and maintain order in the premise.
- (2) The duties of security officers include, but are not limited to:
 - (a) Supervise the facility and maintain law and order
 - (b) Check identification and verify age of all visitors entering the facility
 - (c) Report any illegal behaviour to the relevant authorities
- (3) Security Officers must hold the following:
 - (a) Certificate III or Higher in Security Operations
 - (b) Queensland Blue Card
 - (c) Current Senior First Aid Certificate
 - (d) National Police History Check
 - (e) Cultural awareness certificate

14 Nursing Staff Requirements

- (1) 8 nursing staff will be employed by DATSIP and on call at all allotted times, with a minimum of two present in the facility at all times.

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- (2) The duties of Nursing officers include, but are not limited to:
 - (a) Provide medical assistance to patrons when needed
 - (b) Undertake a medical assessment of visitors prior to leaving the facility
 - (c) Maintain all medical equipment stored in the facility; and
 - (d) Provide patrons with information for rehabilitation programs
- (3) Nursing Officers are required to have:
 - (a) Diploma of Nursing or higher qualification; and
 - (b) Queensland Blue Card; and
 - (c) Cultural awareness certificate; and
 - (d) Self-defence course accreditation.

15 Community Elders Staff Requirements

- (1) Five community elders will be employed by DATSIP to manage the overall running and day-to-day operations of the facility.
- (2) The duties of the community elders include, but are not limited to:
 - (a) Manage and supervise all visitors and staff in the facility
 - (b) Act as a liaison officer between the Department and the facility
 - (c) Report any illegal activity to the relevant authorities
- (3) Community Elders must hold the following:
 - (a) Queensland Blue Card; and
 - (b) Responsible Service of Alcohol (RSA) Certificate; and
 - (c) Cultural awareness certificate; and
 - (d) Self-defence course accreditation.
- (4) Community Elders must organise events in Queensland high schools and carry out, but are not limited to:
 - (a) educating students on drug awareness;
 - (b) Supply information regarding the SIP.

Part 4 Safe Drinking Spaces (SDS)

16 Implementation of Safe Drinking Spaces (SDS)

- (1) Regional communities with an Indigenous population of at least 40% will have one Safe Drinking Space established in the community.

- (2) The Queensland Government will acquire property for the premise under the *Acquisition of Land Act 1967*.
- (3) The Safe Drinking Space premise will be exempt from the liquor licensing regulations as outlined in the *Liquor Act 1992*.
- (4) Each SDS will contain:
 - (a) one first aid area; and
 - (b) three quiet breakout rooms; and
 - (c) a substance-free communal space; and
 - (d) a security office; and
 - (e) a nursing office.
- (5) SDS clients must be:
 - (a) Indigenous members of the community; or
 - (b) Be granted admission by an Indigenous elder; and
 - (c) over the age of eighteen.
- (6) The Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) will employ:
 - (a) 3 security officers and
 - (b) 2 nurses.
 - (c) 2 community elders will be employed by the department to manage and supervise the facility.

17 Security Officer Requirements

- (1) Three security officers will be employed by DATSIP to supervise and maintain order in the premise.
- (2) The duties of security officers include, but are not limited to:
 - (a) Supervise the facility and maintain law and order; and
 - (b) Check identification and verify age of all patrons entering the facility; and
 - (c) Report any illegal behaviour to the relevant authorities.
- (3) Security Officers must hold the following:
 - (a) Certificate III or Higher in Security Operations; and
 - (b) Queensland Blue Card; and
 - (c) Current Senior First Aid Certificate; and
 - (d) Responsible Service of Alcohol (RSA) Certificate; and
 - (e) National Police History Check; and

(f) Cultural awareness certificate.

18 Nursing Staff Requirements

- (1) Two nursing staff will be employed by DATSIP to be on standby at all times in the facility and to provide medical assistance
- (2) The duties of Nursing officers include, but are not limited to:
 - (a) Provide medical assistance to patrons when needed; and
 - (b) Maintain all medical equipment stored in the facility.
- (3) Nursing Officers are required to have:
 - (a) Diploma of Nursing or higher qualification; and
 - (b) Queensland Blue Card; and
 - (c) Cultural awareness certificate; and
 - (d) Self-defence course.

19 Community Elders Staff Requirements

- (1) Two community elders will be employed by DATSIP to manage the overall running and day-to-day operations of the facility
- (2) The duties of the community elders include, but are not limited to:
 - (a) Manage and supervise all patrons and staff in the facility; and
 - (b) Act as a liaison officer between the Department and the facility.
- (3) Community Elders must hold the following:
 - (a) Queensland Blue Card; and
 - (b) Responsible Service of Alcohol (RSA) Certificate; and
 - (c) Cultural awareness certificate; and
 - (d) Self-defence course.

Part 6 Community housing

20 Sustainable Community Housing

- (1) Culturally appropriate sustainable housing with communal areas will be established; and
- (2) The Commission will acquire land under the Acquisition of Land Act 1967 to locate the housing community.
- (3) One sustainable housing community will be established in each Queensland electorate; and

- (4) Each housing community must be within a radius of 10km from public transport.
- (5) Tenancy agreements are capped at 18 months;
- (6) Circular mini housing set up with sport and recreational complex centered including a room for services, pool, gym, hall and offices for youth workers
- (7) 20 smaller houses per complex- Need for complexes to be based on ratio of community need.

21 Residents Eligibility

- (1) 75% of residents must be under the age of 25; and
- (2) All tenants must identify as Aboriginal and Torres Strait Islander; and
- (3) Tenants must be triaged on the basis of need by the Coordinator.

22 Housing Accommodation Coordinator

- (1) Each housing centre will have a Housing Accommodation Coordinator who is responsible for:
 - (a) Triaging referrals to the housing program; and
 - (b) Establishing and organising house duties roster; and
 - (c) Oversight of staff and daily operation of the program.
- (2) The Coordinator must comply with all staff training requirements.
- (3) The Coordinator will also undertake to:
 - (a) Manage the properties and grounds; and
 - (b) Complete support management plans to identify risk and supports needed; and
 - (c) Hold centre inductions for new tenants; and
 - (d) Maintain regular community supports for the tenants.

23 Responsibilities of Residents

- (1) All residents have responsibilities to:
 - (a) Manage and maintain own mini house; and
 - (b) Comply with program policy on complex property and grounds; and
 - (c) Complete literacy and numeracy course; and
 - (d) Complete and actively work on a job plan; and
 - (e) Attend monthly health checks; and

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- (f) Attend monthly Yarning Circles – men’s and women’s business to be run by Youth Workers and Coordinator; and
- (g) Complete 3 weekly classes minimum - on topics based on support needs including but not limited to: literacy and numeracy, cooking, money and budgeting, life skills 101, parenting classes, and drug and alcohol support

24 Staff Position Requirements

- (1) Each centre is required to employ two full time Aboriginal and Torres Strait Islander youth workers.
- (2) The workers must have the following qualifications:
 - (a) Queensland driver’s license; and
 - (b) Blue card; and
 - (c) Youth work diploma; and
 - (d) Aboriginal and Torres Strait Islander Mental Health First Aid; and
 - (e) First Aid and CPR; and
 - (f) Cultural Awareness training.
- (3) The workers have the following responsibilities:
 - (a) Support young people with their support management plans
 - (b) Attend and facilitate monthly yarning circles
 - (c) Complete two (2) activities with each young person per week (includes but not limited to, shopping, classes and taking young person to doctors) to reach engagement KPIs

Part 6 Justice program

25 Selection of Elders to the Panel

- (1) The Commission is responsible for the employment and appointment of a selection of Aboriginal and Torres Strait Islanders for a ‘Justice Program Panel.’
- (2) The Commission must:
 - (a) Select a Panel consisting of 10 Indigenous elders from different cultural backgrounds; and
 - (b) Provide the Panel with compensation in the form of an award wage; and
 - (c) Provide all Panel members with compulsory training in order to undertake their duties as members.

- (3) The Justice Program Panel will be responsible for the:
 - (a) State-wide standardised cultural competency education for all individuals employed or volunteering in Queensland prisons; and
 - (b) Reviewing the test produced by the Commission to be issued to all relevant persons; and
 - (c) Assessment of the test issued.

26 Establishment of Cultural Competency Test

- (1) The Commission is responsible for writing the Cultural Competency Test to be issues to all eligible persons in Queensland Prison Systems.
- (2) The Commission may exercise their discretion and expertise for content of the test in alignment with broader Department of Aboriginal and Torres Strait Islander Policies.

27 Distribution of Training and Test

- (1) The Justice Program Panel will be responsible for scheduling an annual 3-day program with each Queensland Prison for the compulsory training of all employees and volunteers.
- (2) The Justice Program Panel will provide sessions in approved formats and on content approved by the Commission to all eligible persons in the prison facilities.
- (3) On the final day of training all persons will be required to undertake the Cultural Competency Test. This test is to be issued and regulated by the Commission who have full discretion in this.

28 Publication of results

- (1) After the assessment and evaluation of all tests is completed by the Panel, the Commission will be responsible for the publication of an annual “Queensland Prisons and Cultural Competency Report.”
- (2) This report will rank prisons in the order of performance.
- (3) The Commission should also seek where possible comments and reviews from Aboriginal and Torres Strait Islander prisoners to be included within the report.
- (4) The Commission is required to provide information on the number of Indigenous persons incarcerated in each prison in this Report.

29 Rewards for Performance

- (1) The commission will issue benefits to each prison employee or volunteer if their prison establishment is ranked the highest in cultural competency for the annual year.

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- (2) Benefits received shall include—
 - (a) \$1000 lump sum incentive; and
 - (b) 1 additional day of paid personal leave.

Part 7 Tertiary Education

30 Insertion into the *Griffith University Act 1998, University of Queensland Act 1998, Queensland University of Technology Act 1998*, after section 5(i)—

The university has a responsibility to teach students about Indigenous culture and language. As of 2020 the following sections must be enacted into the university's curriculum—

5A Compulsory Subjects in Indigenous Cultural Competency

- (1) The university must add to their existing core subjects two new subjects, that are approved by the way this Act determines, on both Indigenous culture and language.
- (2) These subjects and their curriculum must be approved by the Director-General of the Department of Education and the Minister for Aboriginal and Torres Strait Islander Partnerships.
- (3) All university students will have the option to enrol in either one or both of these approved courses. The extra courses will be recognised upon graduation.
- (4) Failure to do so will result in failure of their selected course.

5B Basic Curriculum

- (1) Regarding language and cultural teachings, the curriculum of the courses should be based on the Indigenous community where the university is based.
- (2) If the community to which the university is based has lost knowledge of cultural practices or of the Indigenous Language, the institution may select a language or culture, which has in some way, relevance to the institution, with the approval of the Director-General of the Department of Education.
- (3) The end of these subjects must result in a competency test on the selected language or culture, and students must show cultural awareness upon graduation of the

Indigenous language or culture, as approved by the institution to which they attend.

5C Creation of the Curriculum

- (1) It shall be the tertiary institutions responsibility to determine and write their own curriculum, with knowledge and respect for the elders of the community to which their subject is based.
- (2) The Curriculums created must be reviewed by the Department of Education, with local elders or community representatives every five years from their initial implementation.
- (3) The subjects must outline a basic understanding of Indigenous history including prior to European Settlement. This should be on top of the Language or Cultural Teachings students have selected.

5D Creation of the Indigenous Tertiary Subject Board

- (1) This act establishes the Indigenous Tertiary Subject Board (ITSB) which oversees the implementation of the compulsory subjects and aid the Director-General of the Department of Education in the consolation with Indigenous Elders and the approval of subjects.
- (2) This board will oversee the testing for subjects to establish cultural awareness and if students pass issue the official Competency Approval. It should also aide students in universities in teaching the courses as well as provide further information if requested by staff or Students.
- (3) If an issue is reported regarding a subject provided by any institutions based in Queensland the Board must investigate and resolve the issue to the best of its ability for all stakeholders.
- (4) The Board shall be headed by both the Director General of the Department of Education and the Director General of the Department of Aboriginal and Torres Strait Islander Partnerships.
- (5) The Board should be comprised of, subject to the approval of the Minister for Aboriginal and Torres Strait Islander Partnerships and the Director-General of the Department of Education:
 - (a) Local Indigenous Elders; and

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- (b) Education Representatives; and
- (c) Representatives from the university's council.