



Queensland

# **Child Protection (Culturally Responsive Care) Amendment Youth Act 2022**

**Youth Act No. 74 of 2022**

---

**A Youth Bill for a Youth Act to amend the Child Protection Act 1999 for particular purposes.**

**[Assented to 20 October 2022]**





Queensland

# Child Protection (Culturally Responsive Care) Amendment Youth Act 2022

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
3	Main purpose of Youth Act . . . . .	3
<b>Part 2</b>	<b>Amendment of the Child Protection Act 1999</b>	
4	Act amended . . . . .	3
5	Section 6AB (Principles about Aboriginal and Torres Strait Islander Children—Children’s Court) . . . . .	3
6	Insertion of new ch 9 . . . . .	4
	Chapter 9      Aboriginal and Torres Strait Islander Cultural Protection Council	
	250      Interpretation of Chapter in relation to other sections	4
	251      Establishment . . . . .	4
	252      Purpose . . . . .	4
	253      Membership and related matters . . . . .	5
	254      Aim to achieve wellbeing . . . . .	6
	255      Right to self determination . . . . .	6
	256      Support methods . . . . .	7
	257      Contact with elders . . . . .	7
	258      Protection of language . . . . .	7
	259      Duty of departments to consult . . . . .	8
	260      Cultural training programs . . . . .	8
	261      Definitions for this section . . . . .	8



---

**The Youth Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Youth Act may be cited as the *Child Protection (Culturally Responsive Care) Amendment Youth Act 2022*.

### **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 implement a regime of culturally responsive care for Aboriginal and Torres Strait Islander children through amendments to the *Child Protection Act 1999*.

## **Part 2 Amendment of the Child Protection Act 1999**

### **4 Act amended**

This part amends the *Child Protection Act 1999*.

### **5 Section 6AB (Principles about Aboriginal and Torres Strait Islander Children—Children’s Court)**

Section 6AB(3), ‘may’—  
*omit, insert—*

[s 6]

---

must have

## **6 Insertion of new ch 9**

After Ch 8—

# **Chapter 9 Aboriginal and Torres Strait Islander Cultural Protection Council**

## **250 Interpretation of Chapter in relation to other sections**

This Chapter should be read alongside the principles for Aboriginal and Torres Strait Islander children found in Section 5C.

## **251 Establishment**

The Aboriginal and Torres Strait Islander Cultural Protection Council is established.

## **252 Purpose**

The Council's purpose is to—

- (a) provide advice to Government departments regarding care for Aboriginal and Torres Strait Islander children;
- (b) provide advice in court proceedings regarding the best way to care for Aboriginal and Torres Strait Islander children whilst maintaining cultural connection;

- (c) to overall promote the welfare of Aboriginal and Torres Strait Islander children and promote their connection to culture.

### **253 Membership and related matters**

- (1) The Council has a membership of 11 people.
- (2) The Council is made up of—
  - (a) an Aboriginal or Torres Strait Islander elder from the Gold Coast region;
  - (b) an Aboriginal or Torres Strait Islander elder from the Brisbane region;
  - (c) an Aboriginal or Torres Strait Islander from the Darling Downs–South West region;
  - (d) an Aboriginal or Torres Strait Islander elder from the Wide Bay–Burnett region;
  - (e) an Aboriginal or Torres Strait Islander elder from Central Queensland;
  - (f) an Aboriginal or Torres Strait Islander elder from the Mackay–Whitsunday region;
  - (g) an Aboriginal or Torres Strait Islander elder from the North Queensland region;
  - (h) an Aboriginal or Torres Strait Islander elder from the Far North Queensland region;
  - (i) a member of the Aboriginal and Islander Health Council; and
  - (j) 2 experts in child and family law who are of Aboriginal or Torres Strait Islander descent.
- (3) The Governor-in-Council may appoint members of the council by instrument in writing.
- (4) Members are appointed to a 3 year term unless their appointment instrument specifies a different time.

[s 6]

---

- (5) The Minister may make an order to—
  - (a) increase the membership of the Council;
  - (b) reduce the membership of the council; or
  - (c) change the composition of the Council's membership.
- (6) In exercising their power under (3)(a), the Minister must not increase the membership of the council to a number above 25.
- (7) In exercising their power under (3)(b), the Minister must not reduce the membership of the council to a number below 9.
- (8) In exercising their power under (3)(c), the Minister must have consideration as to whether a suitable candidate of Aboriginal or Torres Strait islander descent is available for the role.
- (9) The Council has a chairperson who conducts and organizes meetings.
- (10) A chairperson must be elected from the full membership of the Council.

### **254 Aim to achieve wellbeing**

In all its activities, the Council must aim to improve and achieve the wellbeing of Aboriginal and Torres Strait Islander children in care and generally across Queensland.

### **255 Right to self determination**

In all its activities, the Council must aim to promote the right to self determination for Aboriginal and Torres Strait Islander children in care.



## **256 Support methods**

- (1) The Council must provide adequate support mechanisms to Aboriginal and Torres Strait Islander children to understand their connection with culture and language.
- (2) The Council must provide advice to courts, where requested, which considers the development and maintenance of a Aboriginal and Torres Strait Islander child's connection to land.

## **257 Contact with elders**

- (1) The Council must endeavour to establish contact between Aboriginal and Torres Strait Islander Children with elders in their community.
- (2) The Council must endeavour to establish contact where—
  - (a) the child or a carer requests it;
  - (b) a court requests it;
  - (c) a child is party to a court proceeding and it would be beneficial to their wellbeing; and
  - (d) at any other time the Council considers appropriate.

## **258 Protection of language**

- (1) The Council must seek to promote Aboriginal and Torres Strait Islander languages for children in care.
- (2) At all times, the Council must consider the appropriateness of teaching Aboriginal and Torres Strait Islander languages to children in care.
- (3) The Council must provide language teaching where—

[s 6]

---

- (a) the child or a carer requests it;
- (b) a court requests it;
- (c) a child is party to a court proceeding and it would be beneficial to their wellbeing; and
- (d) at any other time the Council considers appropriate.

### **259 Duty of departments to consult**

Where Departments are engaging in work relating to Aboriginal and Torres Strait Islander Children, they must consult with the council as to best practices.

### **260 Cultural training programs**

- (1) Any person employed by the Queensland Government or employed by any other business in Queensland must complete a cultural training program.
- (2) Cultural training must—
  - (a) follow the Australian Institute of Aboriginal and Torres Strait Islander's foundational framework; and
  - (b) include an assessment of cultural competence upon conclusion of the training; and
  - (c) be completed every two years; or
  - (d) upon substantial changes being made to the program.

### **261 Definitions for this section**

In this section—

*the Council* means the The Aboriginal and Torres

Strait Islander Cultural Protection Council.

*the Minister* means the Minister for Aboriginal and Torres Strait Islander Partnerships.