

members who are Aboriginal and/or Torres Strait Islander people, and to have appropriate knowledge of, or expertise in, child protection.

With the support of their communities, the role of Recognised Entities is to ensure services provided by the Department of Child Safety are accessible, responsive and culturally suitable for Indigenous children and young people, their families and their carers.

Will changes to the *Child Protection Act* affect Aboriginal and Torres Strait Islander foster carers and kinship carers?

There are a number of changes to the Child Protection Act 1999 which affect foster carers and kinship carers, including Indigenous carers. Fact sheets which explain how the changes affect current foster carers, kinship carers and provisionally approval carers are available from your nearest Child Safety Service Centre or non-government foster care service. Your support worker will explain how the changes will affect you if you are a current carer.

Importantly, recent changes to the child protection laws mean that carers must now:

- obtain a Blue Card. Adult members of their household must also have a Blue Card
- tell the department about any change in the carer's household, for example, if someone moves in or out of the household or if the carer commences a new, or ends an existing, spousal relationship

- tell the department about a change in the carer's personal history, or if they become aware or reasonably suspect there has been a change in the personal history of a member of their household.

Personal history means a person's criminal history, domestic violence history and traffic history. The department also checks child protection history.

Household members may include people who stay overnight regularly, for example, once a week every month; once a fortnight in two consecutive months; or once a month in six consecutive months. Your support worker will advise you as to whether a regular visitor is considered a member of your household.

These changes are intended to ensure that the department is aware at all times of any risk to the safety or wellbeing of a child in the carer's home. Failure to tell the department of changes in household or personal circumstances is an offence and penalties may apply.

Who do I contact to find out more?

For more information on the Aboriginal and Torres Strait Islander Child Placement Principle, Recognised Entities or any other matters relating to child protection, visit www.childsafety.qld.gov.au or contact your local Child Safety Service Centre.

You can talk to a Child Safety Officer about your questions or ask for a list of Recognised Entities and their contact details.



Changes to the Child Protection Act

How the changes will affect Aboriginal and Torres Strait Islander children and families

Introduction

The over representation of Aboriginal and Torres Strait Islander children within the child protection system is a major concern for the Department of Child Safety.

The department is committed to working in partnership with Aboriginal and Torres Strait Islander communities to keep Indigenous children within their own families and communities wherever possible.

When Aboriginal and Torres Strait Islander children need to live away from home for their own protection, the department is committed to ensuring that their cultural identity and relationship with their families and communities is maintained.

Recent changes to the Child Protection Act 1999 assist the department to ensure that services provided to Indigenous children by the child protection system are culturally appropriate. Among these changes are laws relating to:

- the Aboriginal and Torres Strait Islander Child Placement Principle
- Recognised Entities
- foster and kinship carers.

The changes came into effect on 31 May 2006.



What is the Aboriginal and Torres Strait Islander Child Placement Principle?

The Aboriginal and Torres Strait Islander Child Placement Principle requires Aboriginal and Torres Strait Islander children to be cared for within an Aboriginal or Torres Strait Islander community, wherever possible.

In placing an Aboriginal or Torres Strait Islander child outside of the home, the Department of Child Safety must involve a Recognised Entity in providing cultural and family advice to assist decision making in the best interests of the child or young person.

Section 83 of the Child Protection Act 1999 gives effect to the Aboriginal and Torres Strait Islander Child Placement Principle. The Child Placement Principle guides the department in making the decision about who the child should live with.

The order of priority is:

1. a member of the child's family
2. a member of the child's community or language group
3. another Aboriginal person or Torres Strait Islander who is familiar with the child's community or language group
4. another Aboriginal or Torres Strait Islander person.

Where a child cannot be placed in line with the Child Placement Principle, the department must work with the Recognised Entity to place the child with a carer who lives close to the child's family or the child's community or language group.

The carer must facilitate contact between the child and the child's parents and family to preserve the child's sense of their Aboriginal or Torres Strait Islander identity. The department must ensure this cultural and community contact is maintained. At all times, the best interests of the child is the primary concern.

Section 83 also applies to children voluntarily placed in out-of-home care through a care agreement between the parents and the department. Previously Section 83 only applied to children under a child protection order.

How does the Department of Child Safety ensure that Indigenous children who are placed in care maintain links with their culture?

A new section 88 states that the department must provide opportunities for the child to have contact with the child's community or language group. Section 88 strengthens the existing requirement for a child to have contact with family members and aims to ensure that the child's connection with family and culture is maintained. Section 88 enables the child, their family and the Recognised Entity to participate in deciding who the appropriate members of the child's community or language group are.

Cultural plans will be prepared for all Aboriginal and Torres Strait Islander children as part of their case plans. The child's case plan will document actions to maintain the child's cultural identity and relationships with family and community.



Recognised Entities will participate in preparing the plans, which will include:

- the clan, language group, cultural group or Island/community group that the child belongs to
- arrangements for contact between the child and their parents or carers
- arrangements for contact between other family members and significant persons
- activities and arrangements for maintaining and supporting the child's cultural identity
- assistance required by the carers to maintain and support these arrangements and activities
- names of family members or significant persons to maintain and support the child's cultural identity and their contact details.

What are Recognised Entities?

Recognised Entities are Aboriginal and Torres Strait Islander organisations or individuals which have been mandated by their communities and approved and funded by the Department of Child Safety to provide cultural and family advice in Indigenous child protection matters. Recognised Entities work closely with the department when it is dealing with Aboriginal and Torres Strait Islander children and young people, their families, their carers and their communities.

Under new laws, Recognised Entities must now be offered the opportunity to participate in key decisions about Aboriginal and Torres Strait Islander children. Previously, the Act required only that the department consult with a Recognised Entity.

Examples of key decisions include decisions made during the course of a child protection investigation and assessment, decisions about the case plan for a child and decisions about placement of a child in out-of-home care.

A Recognised Entity must also be consulted when decisions which are of lesser significance are made about an Indigenous child. These might include decisions about temporary changes to various arrangements, for example, parental visits or the child's participation in recreational activities.

The legislation requires Recognised Entities to be external to the department, to have