

PRACTICE GUIDE

Legislative provisions in relation to Aboriginal and Torres Strait Islander children

Introduction

Child Safety staff work with Queensland families on a daily basis, to ensure the safety, belonging and well-being of children who may have been harmed or who are at risk of harm. This intervention can have a significant impact on children and parents. The Child Protection Act 1999 provides the legislative mandate for any child protection intervention by Child Safety.

To ensure that Aboriginal and Torres Strait Islander children and families receive culturally appropriate, timely and effective services, the Child Protection Act 1999 contains specific provisions about services to Aboriginal and Torres Strait Islander children and their families. The purpose of this resource is to present all of the legislative provisions for Aboriginal and Torres Strait Islander children and families in one place.

Specific provision in the Child Protection Act 1999

Independent Entity

Section 5C 6 – Additional principles for Aboriginal and Torres Strait Islander children

This section outlines Aboriginal and Torres Strait Islander persons' right to self-determination, consideration of the long term effects of decisions on children's connection and identity. This section also provides guidance in relation to apply the Child Placement Principles.

- (1) The following additional principles apply for administering this Act in relation to Aboriginal or Torres Strait Islander children –
 - (a) Aboriginal and Torres Strait Islander people have the right to self-determination
 - (b) The long-term effect of a decision on the child's identity and connection with the child's family and community must be taken into account.
- (2) The following principles (the child placement principles) also apply in relation to Aboriginal or Torres Strait Islander children –
 - (a) The principle (the prevention principle) that a child has the right to be brought up within the child's own family and community;
 - (b) The principle (the partnership principle) that Aboriginal and Torres Strait Islander persons have the right to participate in significant decisions under this Act about Aboriginal or Torres Strait Islander children;
 - (c) The principle (the placement principle) that, if a child is to be placed in care, the child has a right to be placed with a member of the child's family group;
 - (d) The principle (the participation principle) that a child and the child's parents and family members have a right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child;
 - (e) The principle (the connection principle) that a child has a right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language, particularly when the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.

Section 6 – Who is an independent Aboriginal or Torres Strait Islander entity?

This section outlines who can be an independent Aboriginal or Torres Strait Islander entity for a child and what staff need to consider in relation to assessing suitability and independence.

- (1) An entity is independent Aboriginal or Torres Strait Islander entity, for an Aboriginal or Torres Strait Islander child, if –
 - (a) The entity is –
 - (i) An individual who is an Aboriginal or Torres Strait Islander person; or
 - (ii) Another entity is whose members include individuals who are Aboriginal or Torres Strait Islander persons; and
 - (b) The chief executive is satisfied the entity –
 - (i) Provides services to Aboriginal or Torres Strait Islander persons; or
 - (ii) Is a representative of the child’s community or language group; or
 - (iii) Satisfies the requirements mentioned in subsection (2); and
 - (c) Is a suitable person to be an independent Aboriginal or Torres Strait Islander entity for the child.

Examples of persons who may be independent Aboriginal and Torres Strait Islander entities for Aboriginal and Torres Strait Islander children-

- An Aboriginal or Torres Strait Islander elder
 - An entity funded by a State or the Commonwealth to provide cultural services, including cultural advice and support, to Aboriginal or Torres Strait Islander persons
- (2) For subsection (1)(b)(iii), the requirements are that the entity is an individual who –
 - (a) Is a person of significance to the child or the child’s family; and
 - (b) Is a suitable person for associating on a daily basis with the child; and
 - (c) Is a person with appropriate authority to speak about Aboriginal or Torres Strait Islander culture in relation to the child or the child’s family; and
 - (d) Is not an officer or employee of the department.

Section 6AA Principles about Aboriginal and Torres Strait Islander child – chief executive, litigation director and authorised officers

Section 6AA provisions refer to what must be considered when making significant decisions and when an independent entity may not be required.

- (1) This section applies to the following persons (each a relevant authority) –
 - (a) The chief executive;
 - (b) The litigation director;
 - (c) An authorised officer.
- (2) When making a significant decision about an Aboriginal or Torres Strait Islander child, a relevant authority must –
 - (a) have regard to the child placement principles in relation to the child; and
 - (b) in consultation with the child and the child’s family, arrange for an independent Aboriginal and Torres Strait Islander entity for the child to facilitate the participation of the child and the child’s family in the decision making process.
- (3) However, subsection (2)(b) does not apply if –
 - (a) complying with the subsection –
 - (i) is not practicable because an independent Aboriginal or Torres Strait Islander entity for the child is not available or urgent action is required to protect the child; or
 - (ii) is likely to have a significant adverse effect on the safety or psychological or emotional wellbeing of the child or any other person; or
 - (iii) is otherwise not in the child’s best interest; or
 - (b) the child or the child’s family does not consent to the ongoing involvement in the decision-making process of an independent Aboriginal or Torres Strait Islander entity for the child.
- (4) Also, subsection (2)(b) does not apply if –

- (a) The relevant authority is the litigation direction; and
 - (b) The litigation director is satisfied the chief executive or an authorised officer has already complied with the requirement in relation to the significant decision.
- (5) As far as reasonably practicable, a relevant authority must, in performing a function under this Act involving an Aboriginal or Torres Strait Islander person (whether a child or not), perform the function –
- (a) In a way that allows the full participation of the person and the person’s family group; and
 - (b) In a place that is appropriate to Aboriginal tradition or Island custom.

Section 6AB Principles about Aboriginal and Torres Strait Islander children – Childrens Court

- (1) This section applies to the Childrens Court
- (2) When exercising a power under this Act in relation to an Aboriginal or Torres Strait Islander child, the court must have regard to –
 - (a) Aboriginal tradition and Island custom relating to the child; and
Note – the Acts Interpretation Act 1954, schedule 1, contain definitions of Aboriginal tradition and Island custom
 - (b) The child placement principles in relation to the child.
- (3) To inform itself about the matters mentioned in subsection (2)(a), the court may have regard to the views about these matters of –
 - (a) An independent Aboriginal or Torres Strait Islander entity for the child; or
 - (b) The child; or
 - (c) A member of the child’s family.

Chief executive functions

Section 7 outlines the chief executive’s functions when administering the Child Protection Act 1999. Subsection (1) includes specific provisions in relation to establishing programs in Aboriginal or Torres Strait Islander communities and arranging independent Aboriginal and Torres Strait Islander entities for children and the children’s families.

Section 7

(1) For the proper and efficient administration of this Act, the chief executive’s functions are:

- (f) helping Aboriginal and Torres Strait Islander communities to establish programs for preventing or reducing incidences of harm to children in the communities;
- (o) arranging for an independent Aboriginal or Torres Strait Islander entities for Aboriginal or Torres Strait Islander children to facilitate the participation of the children and the children’s families when making decisions in relation to the children; and.

Unborn Children

Section 21A (unborn children)

- 3 if the child is an Aboriginal or Torres Strait Islander child, the chief executive or an authorised officer must arrange for an independent Aboriginal or Torres Strait Islander entity for the child to –
- (a) facilitate the participation of the pregnant woman and the child’s family in relation to a matter mentioned in subsection (2); and
 - (b) offer help and support to the pregnant women
- (4) However, subsection (3) applies only if the pregnant woman agrees to the involvement of an independent Aboriginal or Torres Strait Islander entity for the child.

Case Planning

Sections 51 B, 51E, 51L and 51W - Case planning

These sections are components of Part 3A of the Child Protection Act 1999, which specifies provisions in relation to case planning. Section 51B outlines that a case plan for an Aboriginal or Torres Strait Islander child must provide details about how the connection principle (one of the elements of the Child Placement Principle) will be met. Section 51L contains provisions in relation to the membership of the family group meeting, including specific requirements for an Aboriginal or Torres Strait Islander child. Section 51W specifies those individuals that must be given an opportunity to participate in the review of a case plan and includes specific reference to requirements when the case relates to an Aboriginal or Torres Strait Islander child.

Section 51B – (1A) A case plan must include the following

- (c) For an Aboriginal or Torres Strait Islander child – details about how the case plan is consistent with the connection principle stated in section 5C(2)(e)

Section 51L - Who should be involved

- (1) The convenor must give the following persons a reasonable opportunity to attend and participate in the meeting:
 - (f) if the child is an Aboriginal or Torres Strait Islander child – an independent Aboriginal or Torres Strait Islander entity for the child;
- (2) The convenor must also allow the child or a parent of the child to have someone attend and participate in the meeting to give help or support to the child or parent. Examples - an Aboriginal or Torres Strait Islander elder and/or a representative within the child's cultural community.
- (3) To remove any doubt, it is declared that a requirement to allow a person to attend or participate in the meeting under subsection (1) (a) to (e), (l)(g) or (j) or (2) applies whether or not the child's parents agree to the person's attendance or participation.
- (4) The convenor is not required to allow a particular person to attend or participate in the meeting under subsection (1)(b) to (d), (1)(f) or (2) if the convenor is satisfied that person's attendance or participation would be contrary to the purposes of the meeting or not in the child's best interest.
- (5) Also, the convenor is not required to allow an independent Aboriginal or Torres Strait Islander entity for the child to attend or participate in the meeting, under subsection (1)(f), if –
 - (a) The entity's attendance or participation is likely to have a significant adverse effect on the child's or another person's safety or psychological or emotional wellbeing; or
 - (b) The child or the child's family does not consent to the entity's attendance or participation.

Section 51W - Who may participate

- (1) The chief executive must give the following persons a reasonable opportunity to participate in the review and preparation of the revised case plan:
 - (f) if the child is an Aboriginal or Torres Strait Islander child – an independent Aboriginal or Torres Strait Islander entity, or member of an independent Aboriginal or Torres Strait Islander entity, for the child.

Court Matters

Section 59 A Additional matters about making permanent care orders for Aboriginal or Torres Strait Islander children

- (1) This section applies to an application for a permanent care order for an Aboriginal or Torres Strait Islander child.
- (2) In deciding whether to make the order, the Childrens Court must have proper regard to-
 - (a) Aboriginal tradition and Island custom relating to the child; and
 - (b) The child placement principles in relation to the child.

- (3) The court may make the order only if it is satisfied-
 - (a) The case plan for the child includes appropriate details about how the child's connection with his or her culture, and community or language group, will be developed or maintained; and
 - (b) The decision to apply for the order has been made in consultation with the child, if the court considers consultation is appropriate.
- (4) To inform itself about the matters mentioned in subsection (2)(a), the court may have regard to the views about those matters of-
 - (a) An independent Aboriginal or Torres Strait Islander entity for the child; or
 - (b) The child; or
 - (c) A member of the child's family.

Section 70 - Court ordered conferences

Section 70 provides guidance about individuals who may participate in a Court Ordered Conference, including requirements when the case involves an Aboriginal or Torres Strait Islander child.

Section 70- Attendance of parties

(4) If the child is an Aboriginal or Torres Strait Islander child, an independent Aboriginal or Torres Strait Islander entity for the child, or member of the entity, may attend the conference.

Placement

Section 83 - Additional provisions for placing Aboriginal and Torres Strait Islander children in care

Section 83 is part of Chapter 2 Division 4 in the Child Protection Act 1999, which outlines the requirements when placing children in out-of-home care. Section 83 contains specific guidance when placing an Aboriginal or Torres Strait Islander child in out-of-home care, including arranging for an independent person to help the child and family participate in the decision making, and information about the hierarchy of placements and requirements when an Aboriginal or Torres Strait Islander child is placed with a carer who is not an Aboriginal or Torres Strait Islander person.

Section 83

- (1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.
- (2) The chief executive must, in consultation with the child and the child's family, arrange for an independent Aboriginal or Torres Strait Islander entity for the child to facilitate the participation of the child and the child's family in the process for making a decision about where or with whom the child will live.
- (3) However, if the chief executive is not required to arrange for the involvement of an independent Aboriginal or Torres Strait Islander entity for the child under subsection (2) if –
 - (a) It is not practicable because an entity is not available or urgent action is required to protect the child; or
 - (b) The chief executive is satisfied that an entity's involvement –
 - (i) Is likely to have a significant adverse effect on the safety or psychological or emotional wellbeing of the child or any other person; or
 - (j) Is not otherwise in the child's best interests; or
 - (c) The child or the child's family does not consent to the entity's involvement.
- (4) In making a decision about the person in whose care the child should be placed, the chief executive must, if practicable, place the child with a member of the child's family group.
- (5) However, if it is not practicable to place the child with a member of the child's family group, in making a decision about the person in whose care the child should be placed, the chief executive must place the child with –
 - (a) a member of the child's community or language group; or

- (b) if it is not practicable to place the child in the care of a person mentioned in paragraph (a), an Aboriginal or Torres Strait Islander person who is compatible with the child's community or language group; or
- (c) if it is not practicable to place the child in care of a person mentioned in paragraph (a) or (b), another Aboriginal person or Torres Strait Islander person; or
- (d) if it is not practicable to place the child in the care of a person mentioned in paragraph (a) to (c), a person who –
 - (i) lives near the child's family, community or language group; and
 - (j) has demonstrated capacity for ensuring the child's continuity of connection to kin, country and culture.
- (6) Also, the chief executive must give proper consideration to:
 - (a) the views of the child and the child's family; and a recognised entity for the child; and
 - (b) ensuring the decision provides for the optimal retention of the child's relationships with parents, siblings and other people of significance under Aboriginal tradition or Island custom.
- (7) If the chief executive decides there is no appropriate person mentioned in subsection (4)(a) to
 - (d) in whose care the child may be placed, the chief executive must give proper consideration to placing the child, in order of priority, with:
 - (a) a person who lives near the child's family; or
 - (b) a person who lives near the child's community or language group.
- (8) Before placing the child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, the chief executive must give proper consideration to whether the person is committed to:
 - (a) facilitating contact between the child and the child's parents and other family members, subject to any limitations on the contact under section 87; and
 - (b) helping the child to maintain contact with the child's community or language group; and
 - (c) helping the child to maintain a connection with the child's Aboriginal or Torres Strait Islander culture; and
 - (d) preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity.

Prescribed delegates for Aboriginal or Torres Strait Islander children

Chapter 4, part 2A outlines that the chief executive may delegate all or some powers under the Child Protection Act 1999 in relation to Aboriginal or Torres Strait Islander children.

148BA Definitions for part

In this part-

Appropriate Aboriginal or Torres Strait Islander entity mean an entity –

- (a) that has a function of providing services to Aboriginal persons or Torres Strait Islanders; and
- (b) whose members include individuals who have appropriate knowledge of, or expertise in, child protection.

Prescribed delegate, for an Aboriginal or Torres Strait Islander child, means a person to whom the chief executive has delegated, under section 148BB, a function or power in relation to the child.

148BB Chief executive may delegate functions for powers

- (1) the chief executive may delegate 1 or more of the chief executives functions or powers under this Act in relation to an Aboriginal or Torres Strait Islander child who is
 - (a) a child in need of protection; or
 - (b) likely to become in need of protection.
- (2) The delegation must –

- (a) Despite the Acts Interpretation Act 1954, section 27A(1)(b), state the name of the person to whom the function or power is delegated; and
 - (b) State the child's name; and
 - (c) State each function or power the person may perform or exercise in relation to the child; and
 - (d) State any conditions of the delegation.
- (3) The chief executive may delegate a function or power to a person in relation to a child under subsection (1) only if
- (a) The person
 - (i) Is an Aboriginal or Torres Strait Islander person; and
 - (ii) Is the chief executive officer, however name, of an appropriate Aboriginal or Torres Strait Islander entity; and
 - (iii) Has a current positive prescribed notice or a current positive exemption notice; and
 - (b) The chief executive is reasonably satisfied the person –
 - (i) Is appropriately qualified to perform the function or exercise the power in relation to the child; and
 - (ii) Is a suitable person to perform the function or exercise the power in relation to the child.
- (4) Before delegating a function or power to a person under subsection (1), the chief executive must
- (a) To the extent it is safe, possible and practical to do so, seek the views of the child and the parents of the child; and
 - (b) Have regard to any views obtained under paragraph (a)
- (5) The delegation does not take effect until the person has given the chief executive written notice that the person accepts the delegation.

148BC Actions by chief executive prevail

- (1) This section applies if
 - (a) The chief executive performs a function or exercise a power under this Act in relation to a child; and
 - (b) A prescribed delegate for the child performs the function or exercises the power in relation to the child in a way that results in an outcome that is inconsistent with the outcome of the performance of the function or exercise of the power by the child executive.
- (2) Despite the Acts Interpretation Act 1954, section 27A, the performance of the function or exercise of the power by the child executive prevails to the extent of the inconsistency.

148BD Withdrawal by prescribed delegate

- (1) A prescribed delegate for an Aboriginal or Torres Strait Islander child may, at any time, withdraw the person's acceptance of the delegation by giving the chief executive written notice of the withdrawal.
- (2) If the prescribed delegate give the chief executive notice under subsection (1), the delegation ends.
- (3) The delegation ends under subsection (2) on the later of the following –
 - (a) The day the notice is given to the chief executive;
 - (b) A later day stated in the notice.
- (4) The chief executive must record –
 - (a) The notice given under subsection (1); and
 - (b) The day on which the delegation ends.

148BE Automatic ending of delegation

- (1) This section applies if a prescribed delegate for an Aboriginal or Torres Strait Islander child –
 - (a) Stops being the chief executive officer, however names, of an appropriate Aboriginal or Torres Strait entity; or

- (b) Stops having a current positive prescribed notice or a current positive exemption notice.
- (2) The person must, as soon as practicable, give the chief executive written notice of that fact and the day on which the person –
 - (a) Stopped being the chief executive officer, however named, of the entity; or
 - (b) Stopped having a current positive prescribed notice or a current positive exemption notice.
- (3) The delegation of a function or power to the person by the chief executive under section 148BB ends.

148BF Chief executive may require information about child

- (1) The chief executive may ask a person who is or was a prescribed delegate for an Aboriginal or Torres Strait Islander child, orally or in writing, to give the chief executive stated information about the child within a stated reasonable time.
- (2) The person must comply with the request.
- (3) A person who gives information requested under subsection (1) who would otherwise be required to maintain confidentiality about the information given under an Act, oath, rule of law or practice –
 - (a) Does not contravene the Act, oath, rule of law or practice by giving the information; and
 - (b) Is not liable to disciplinary action for giving the information.
- (4) Also, merely because the person gives the information, the person can not be held to have –
 - (a) Breached any code of professional etiquette or ethics; or
 - (b) Departed from accepted standards of professional conduct.

148BG Chief executive may require information about delegate or proposed delegate

- (1) The chief executive may ask a person to whom the chief executive proposed to delegate, or has delegated, a function or power under section 148BB(3)(a).
- (2) The person must comply with the request.
- (3) The chief executive must request information mentioned in subsection (1) by giving the person a notice stating –
 - (a) The information the chief executive requires; and
 - (b) The day by which the person must give the information to the chief executive.
- (4) The day mentioned in subsection (3)(b) must be at least 14 days after the notice is given.

148BH Obligation to notify chief executive of changed or new qualifying information

- (1) This section applies if there is a change in the information mentioned in section 148BB(3)(a) for-
 - (a) A person who has given the information to the chief executive under section 148BG(2); or
 - (b) A prescribed delegate for an Aboriginal or Torres Strait Islander child.
- (2) The person must, as soon as practicable, give the chief executive a notice of the changed or new information.

148BI Giving information to proposed prescribed delegate

Before delegating a function or power to a person under section 148BB, the chief executive must give the person any information the chief executive has about the child that the person reasonably requires to make an informed decision about whether to accept the delegation.

Information sharing

159M Particular prescribed entities giving and receiving relevant information

Service provider means –

- (a) a person providing a service to children or families; or
- (b) a licensee; or
- (c) an independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait Islander child.

Specialist service provider means a non-government entity, other than a licensee or an independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait child, funded by the State or the Commonwealth to provide a service to –

- (a) a relevant child; or
- (b) the family of a relevant child.

The following sections also apply to the independent Aboriginal or Torres Strait Islander entity as a 'service provider'.

159MA Sharing information – reporting suspicion to chief executive

159MB Sharing information – assessment or investigation

159MC Sharing information – assessing care needs and planning services

159MD Sharing information – decreasing likelihood of child becoming in need of protection

159ME Sharing information – facilitating participation of child or child's family

- (1) The chief executive or an authorised officer (each a holder) may give an independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait Islander child information if the holder reasonably believes the information may help the independent Aboriginal or Torres Strait Islander entity
 - (a) Facilitate the participation of the child or the child's family in making plans or decisions relating to the child or the child's family; or
 - (b) Provide, or offer to provide, services to the child or the child's family.
- (2) An independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait Islander child may give the chief executive or an authorised officer (each a recipient) information about the child if the independent Aboriginal or Torres Strait Islander entity reasonably believes the information may help –
 - (a) The child or the child's family participate in making plans or decisions relating to the child or the child's family; or
 - (b) The chief executive provide, or offer to provide, services to the child or the child's family.

Section 187 - Confidentiality of information obtained by persons involved in administration of Act

This section is part of Chapter 6, Part 6, which outlines the provisions in the Child Protection Act 1999 around confidentiality. Section 187 provides guidance on confidentiality of information for individuals who are involved in the administration of the Child Protection Act 1999, including requirements around using, disclosing or accessing information.

Section 187

- (1) This section applies to a person who:
 - (a) is or has been:
 - (v) a member of, or person employed or engaged by, a recognised Aboriginal or Torres Strait Islander agency; or
 - (vi) a recognised entity or member of a recognised entity
 - (xi) an independent Aboriginal or Torres Strait Islander entity for an Aboriginal or Torres Strait Islander child, or member of the entity; or
 - (xii) a service provider, or person engaged by a service provider, performing functions under or in relation to chapter 5A, part 4; or
 - (xiii) a prescribed delegate for an Aboriginal or Torres Strait Islander child; or
 - (xiv) a person given information about a child by the chief executive under section 148BI; or
 - (xv) a person allowed to view a document or information under section 113;
- (2) The person must not use or disclose the information, or give access to the document, to anyone else. Maximum penalty - 100 penalty units or 2 years imprisonment.

- (3) However, the person may, subject to section 186, use or disclose the information or give access to the document to someone else:
- (a) to the extent necessary to perform the person's functions under or in relation to this Act; or
 - (b) if the use, disclosure or giving of access is for purposes related to a child's protection or welfare; or
Example - An approved carer in whose care a child has been placed under this Act may disclose relevant information about the child to a person, including, for example, a school teacher or member of the carer's immediate family, to help the person understand and meet the child's needs.
 - (c) if the use, disclosure or giving of access:
 - (i) relates to the chief executive's function of cooperating with government entities that have a function relating to the protection of children or that provide services to children in need of protection or their families; or
 - (ii) is for the performance by the chief executive (adoptions) of his or her functions under the Adoption Act 2009; or
 - (iii) is otherwise required or permitted under this Act (including, for example, this division or chapter 5A, part 4) division or another law.
- (4) Also, the person may disclose the information or give access to the document:
- (a) to another person, to the extent that the information or document is about the other person; or
 - (b) to the chief executive or an authorised officer, to enable the proper administration of chapter 4.
- (5) To remove any doubt, it is declared that a person participating in the development, implementation or revision of a child's case plan under this Act is performing a function under this Act.
- (6) In this section - recognised Aboriginal or Torres Strait Islander agency means a recognised Aboriginal or Torres Strait Islander agency under this Act before the commencement of the Child Protection Reform Amendment Act 2017, section 78.

Schedule 3 - Dictionary

Schedule 3 contains a list of definitions for terms used in the Child Protection Act 1999, and includes definitions for an appropriate Aboriginal or Torres Strait Islander entity, family group and independent Aboriginal or Torres Strait Islander entity. recognised entity and a member of a recognised entity.

Schedule 3

- Appropriate Aboriginal or Torres Strait Islander entity, for chapter 4, part 2A, see section 148BA.
- Child placement principles, in relation to an Aboriginal or Torres Strait Islander child, see section 5C(2).
- Family group, of a child, includes
 - Members of the child's extended family; and
 - If the child belongs to a clan, tribe or similar group – members of that group; and
 - Anyone else recognised by persons mentioned in paragraph (a) or (b) as belonging to the child's family.
- Independent Aboriginal or Torres Strait Islander entity, for an Aboriginal or Torres Strait Islander child, see section 6(1).
- Long-term guardianship order see section 61(f).
- Permanency, for a child, see section 5BA(3).
- Permanent care order see section 61(g).
- Permanent guardian, of a child, means a person who is granted long-term guardianship of the child under a permanent care order.

- Note – see section 61(g)
 - Prescribed delegate, for an Aboriginal or Torres Strait Islander child, for chapter 4, part 2A, see section 148BA.
 - Prescribed entity see section 159M.
 - Service provider see section 159M.
 - Significant decision, about an Aboriginal or Torres Strait Islander child, means a decision likely to have a significant impact on the child's life.
 - Examples of decision relating to an Aboriginal or Torres Strait Islander child that may be significant decisions –
 - A decision made in the course of investigating an allegation of harm to the child
 - A decision about placing the child in care
 - A decision by the litigation director about whether or not to apply for a child protection order for the child
 - Specialist service provider, for chapter 5A, part 4, see section 159M.
 - Student hostel means –
 - A student hostel established under the Education (General Provisions) Act 2006, section 15(b); or
 - A student hostel operated with an allowance paid under the Education (General Provisions) Act 2006, section 368(1)(e)
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Version history

Last reviewed: September 2019