

SUBMISSION

Changes to the *Child Protection Act 1999*



Queensland Family and Child Commission (QFCC)

The QFCC is an agency in the Queensland Government. We keep a check on laws and policies that relate to young Queenslanders and if necessary, we seek change to make sure children, young people, families and communities are safe and well.

The *Child Protection Act 1999*

The *Child Protection Act 1999* (the Act) is one of the laws that help keep children safe in Queensland.

The Department of Child Safety, Youth and Women (the Department) is the part of the Queensland Government responsible for updating this Act.

The Department wants to improve the laws in the Act and its services. They asked us about how to:

- include children's rights in the law
- make sure children and young people are able to have a say when decisions are made about their lives
- make changes to the way the government helps children if they aren't able to live with their parents for a while.

Our response is below.

Children's rights

Children and young people have rights. All children in Australia have the right to expect people around them to act in their best interests. They have the right to the things they need to grow up safe and well and the right to have their say in decisions about their lives.

These rights are protected by the United Nations *Convention on the Rights of the Child*.

The QFCC believes the Act should be changed so it says clearly that children have these rights. We think all the rights in the *Convention on the Rights of the Child* should be listed in the Act.

The QFCC believes the Act should include the rights of Aboriginal and Torres Strait Islander children to a strong connection with their land, their waters, their culture and communities.

Asking children what they think about decisions being made about them

When the QFCC has spoken to children and young people, they have told us that they want to have a say about what is happening in their lives.

Sometimes, when children need help to keep safe, other people have to make decisions about what should happen in a child's life.

The QFCC believes the Act should clearly show how children can be involved and have a say when people are making these decisions. People should take the time to fully explain a situation to a child, before a decision is made, and respect the child's views when making decisions.

The safety and care of children

The Act also includes laws about what the Queensland Government does to look after children who need more care than their parents can give them. Sometimes, the government works with organisations to help parents make sure their children are safe. Other times, children might live with other family members for a while, or with foster carers.

Around Australia, governments have agreed there are 10 things all organisations can do to help keep children safe. These are called Child Safe Standards.

The QFCC believes these Child Safe Standards should be included in the Act to make sure the Queensland Government, carers and organisations do everything they need to keep children safe, especially when children aren't able to live with their parents.

The QFCC would like the Department to look at ways to make sure Aboriginal and Torres Strait Islander children and young people stay connected to their lands, waters, culture and communities. The Act should also make sure Aboriginal and Torres Strait Islander adults have the chance to become carers for children who need support.

Have your say

The Department has more information about these topics, including a final report, at <https://www.csyw.qld.gov.au/child-family/child-family-reform/child-protection-legislation-reform>.

It is important that children and young people have the opportunity to have a say about the Act. If you have any ideas about what should be in the Act to help keep children safe, we would love to hear from you.

Please send us an email at policy@qfcc.qld.gov.au or call us on 07 3900 6000.