



Secretariat National Aboriginal and Islander Child Care

State and territory legislation incorporating the Aboriginal and Torres Strait Islander Child Placement Principle

QUEENSLAND

Introduction

SNAICC is undertaking research and resource development work in support of improving compliance with the Aboriginal and Torres Strait Islander Child Placement Principle. SNAICC is therefore pleased that in support of this, Arnold Bloch Liebler a law firm in Melbourne has documented the sections of state and territory legislation that incorporate the Principle.

The Aboriginal or Torres Strait Islander child placement principle (ATSICPP) recognises the importance of Aboriginal and Torres Strait Islander children in out of home care staying connected to family and culture. It also recognises of the destructive impact of historic policies of assimilation and forced and unjustified removal of children on Aboriginal and Torres Strait Islander peoples.

In each jurisdiction the ATSICPP is part of child protection legislation and requires a similar descending order of placement for children who need to be in out of home care. The first preference under the principle is to place the child with their extended family or kinship group, the second preference with their local community and the third preference with another Aboriginal and Torres Strait Islander family in the area. Once all of these options have been fully explored, the fourth preference is a non-family and non-Aboriginal or Torres Strait Islander placement. Implementation of the Principle also requires that relevant Aboriginal or Torres Strait Islander organisations be consulted about the child's placement and that children are assisted to keep in contact with their family, language and culture.

SNAICC extends a warm thanks to ABL for documenting the legislation within which the Principle is embedded in each state and territory and is pleased to make this available on our web site at www.snaicc.asn.au

Other information and analysis of the Aboriginal and Torres Strait Islander Child Placement Principle will be published by SNAICC in coming months.

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1 Queensland ('QLD')

1.1 Fostering

Child Protection Act 1999 (Qld) (the 'Act')

The main principle for administering this Act is that the safety, wellbeing and best interests of a child are paramount (s 5A). The principles to be applied are outlined in s 5B, with additional principles for Aboriginal and Torres Strait Islander children in s 5C. The elements of the Principle concerning placement are in s 83, which also states that a recognised entity must be given an opportunity to participate in the process for making a decision about where and with whom the child will live. Section 6 outlines who may participate in the placement of children, specifically Aboriginal and Torres Strait Islander children in s 6(4). Case planning is detailed in Part 3A. Relevant provisions of the Act include:

4 Purpose of Act

The purpose of this Act is to provide for the protection of children.

5 Application of principles

(1) This Act is to be administered under the principles stated in this division.

(2) All other principles stated in this Act are subject to the principle stated in section 5A.

5A Paramount principle

The main principle for administering this Act is that the safety, wellbeing and best interests of a child are paramount.

Example—

If the chief executive is making a decision under this Act about a child where there is a conflict between the child's safety, wellbeing and best interests, and the interests of an adult caring for the child, the conflict must be resolved in favour of the child's safety, wellbeing and best interests.

5B Other general principles

The following are general principles for ensuring the safety, wellbeing and best interests of a child—

- (a) a child has a right to be protected from harm or risk of harm;
- (b) a child's family has the primary responsibility for the child's upbringing, protection and development;
- (c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family;
- (d) if a child does not have a parent who is able and willing to protect

the child, the State is responsible for protecting the child;

(e) in protecting a child, the State should only take action that is warranted in the circumstances;

(f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests;

(g) if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care;

(h) if a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin;

(i) if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible;

(j) a child should only be placed in the care of a parent or other person who has the capacity and is willing to care for the child (including a parent or other person with capacity to care for the child with assistance or support);

(k) a child should have stable living arrangements, including arrangements that provide—

(i) for a stable connection with the child's family and community, to the extent that is in the child's best interests; and

(ii) for the child's developmental, educational, emotional, health, intellectual and physical needs to be met;

(l) a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child;

(m) a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values;

(n) a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.

5C Additional principles for Aboriginal or Torres Strait Islander children

The following additional principles apply in relation to an Aboriginal or Torres Strait Islander child—

(a) the child should be allowed to develop and maintain a connection with the child's family, culture, traditions, language and community;

(b) the long-term effect of a decision on the child's identity and connection with their family and community should be taken into account.

Note See also sections 6 (Recognised entities and decisions about Aboriginal and Torres Strait Islander children) and 83 (Additional provisions for placing Aboriginal and Torres Strait Islander children in care).

6 Recognised entities and decisions about Aboriginal and Torres Strait Islander children

(1) When making a significant decision about an Aboriginal or Torres Strait Islander child, the chief executive or an authorised officer must give an opportunity to a recognised entity for the child to participate in the decision-making process.

(2) When making a decision, other than a significant decision, about an Aboriginal or Torres Strait Islander child, the chief executive or an authorised officer must consult with a recognised entity for the child before making the decision.

(3) However, if compliance with subsection (1) or (2) is not practicable because a recognised entity for the child is not available or urgent action is required to protect the child, the chief executive or an authorised officer must consult with a recognised entity for the child as soon as practicable after making the decision.

(4) If the Children's Court exercises a power under this Act in relation to an Aboriginal or Torres Strait Islander child, the court must have regard to—

(a) the views, about the child and about Aboriginal tradition and Island custom relating to the child, of—

(i) a recognised entity for the child; or

(ii) if it is not practicable to obtain the views of a recognised entity for the child—members of the community to whom the child belongs; and

(b) the general principle that an Aboriginal or Torres Strait Islander child should be cared for within an Aboriginal or Torres Strait Islander community.

Editor's note— The Acts Interpretation Act 1954, section 36, contains definitions of Aboriginal tradition and Island custom.

(5) As far as is reasonably practicable, the chief executive or an authorised officer must try to conduct consultations, negotiations, family group meetings and other proceedings involving an Aboriginal person or Torres Strait Islander (whether a child or not) in a way and in a place that is appropriate to Aboriginal tradition or Island custom.

(6) In this section— 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 decisions relating to an Aboriginal or Torres Strait Islander child that may be significant decisions—

1 a decision made in the course of investigating an allegation of harm to the child

2 a decision about placing the child in care

Schedule 3 Dictionary

recognised entity—

(a) in relation to Aboriginal or Torres Strait Islander children generally, means an entity on the list kept under section 246I; and

(b) for a particular Aboriginal or Torres Strait Islander child, means an entity on the list kept under section 246I that the chief executive is satisfied is an appropriate entity to consult about the child's protection.

246I Recognised entities

(1) The chief executive must keep a list of entities with whom to consult about issues relating to the protection and care of Aboriginal or Torres Strait Islander children.

(2) The chief executive must not include an entity on the list unless the entity is—

(a) an individual—

(i) who is an Aboriginal or Torres Strait Islander person; and

(ii) who has appropriate knowledge of, or expertise in, child protection; and

(iii) who is not an officer or employee of the department; or

(b) an entity—

(i) whose members include individuals mentioned in paragraph (a); and

(ii) that has a function of providing services to Aboriginal persons or Torres Strait Islanders.

(3) The chief executive must make the list available for public inspection.

8 Who is a child

A child is an individual under 18 years.

9 What is harm

(1) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

(2) It is immaterial how the harm is caused.

(3) Harm can be caused by—

- (a) physical, psychological or emotional abuse or neglect; or
- (b) sexual abuse or exploitation.

10 Who is a child in need of protection

A child in need of protection is a child who—

- (a) has suffered harm, is suffering harm, or is at unacceptable risk of suffering harm; and
- (b) does not have a parent able and willing to protect the child from the harm.

Part 3A Case planning (see **attached** for entire Pt 3A Case Planning)

Division 1 Preliminary

51A What is case planning

Case planning is the process of developing a case plan for a child and then regularly reviewing it.

51B What is a case plan

- (1) A case plan for a child is a written plan for meeting the child's protection and care needs.
- (2) A case plan may include any of the following matters—

...

- (f) arrangements for maintaining the child's ethnic and cultural identity;

51C Children for whom case plans are required

The chief executive must ensure a case plan is developed for each child who the chief executive is satisfied—

- (a) is a child in need of protection; and
- (b) needs ongoing help under this Act.

...

51D How case planning must be carried out

- (1) The chief executive must ensure case planning for a child is carried out in a way—

...

- (c) that encourages and facilitates the participation of—

...

(iv) for an Aboriginal or Torres Strait Islander child—Aboriginal or Torres Strait Islander agencies and persons; and

Note— Section 6(5) requires consultations, negotiations, family group meetings and other proceedings involving an Aboriginal person or Torres Strait Islander to be conducted in a way and in a place that is appropriate to Aboriginal tradition or Island custom.

...

51E Who is a child's family group

For this part, a child's family group includes—

- (a) members of the child's extended family; and
- (b) if the child belongs to a clan, tribe or similar group—members of that group; and
- (c) anyone else recognised by persons mentioned in paragraph (a) or (b) as belonging to the child's family.

82 Placing child in care

(1) The chief executive may place the child in the care of—

- (a) an approved kinship carer for the child; or
- (b) an approved foster carer; or
- (c) an entity conducting a departmental care service; or
- (d) a licensee; or
- (e) if it is not possible, or not in the child's best interests, for the child to be placed in the care of an entity mentioned in paragraphs (a) to (d)—a provisionally approved carer for the child; or
- (f) if the chief executive is satisfied another entity would be the most appropriate for meeting the child's particular protection and care needs—that entity.

Example for paragraph (f)—

A particular medical or residential facility may be the most appropriate entity for a child with a disability.

(2) Also, if the child is in the chief executive's custody or guardianship under a child protection order, the chief executive may place the child in the care of a parent of the child.

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

- (1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.
- (2) The chief executive must ensure a recognised entity for the child is given an opportunity to participate in the process for making a decision about where or with whom the child will live.

(3) However, if because of urgent circumstances the chief executive makes the decision without the participation of a recognised entity for the child, the chief executive must consult with a recognised entity for the child as soon as practicable after making the decision.

(4) In making a decision about the person in whose care the child should be placed, the chief executive must give proper consideration to placing the child, in order of priority, with -

- (a) a member of the child's family; or
- (b) a member of the child's community or language group; or
- (c) another Aboriginal person or Torres Strait Islander who is compatible with the child's community or language group; or
- (d) another Aboriginal person or Torres Strait Islander.

(5) Also, the chief executive must give proper consideration to -

- (a) the views of a recognised entity for the child; and
- (b) ensuring the decision provides for the optimal retention of the child's relationship with parents, siblings and other people of significance under Aboriginal tradition or Island custom.

(6) 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.

(7) 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.

88 Chief executive to provide contact between Aboriginal or Torres Strait Islander child and child's community or language group

(1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.

(2) The chief executive must provide opportunity for contact, as often as is appropriate in the circumstances, between the child and appropriate members of the child's community or language group.

1.2 Adoption

Adoption Act 2009 (QLD)

The guiding principle of the Act is set out in s 6, with additional principles concerning Aboriginal and Torres Strait Islander persons in s 7. Relevant provisions of the Act include:

5 Main object of Act

The main object of this Act is to provide for the adoption of children in Queensland, and for access to information about parties to adoptions in Queensland, in a way that—

- (a) promotes the wellbeing and best interests of adopted persons throughout their lives; and
- (b) supports efficient and accountable practice in the delivery of adoption services; and
- (c) complies with Australia's obligations under the Hague convention.

6 Guiding principles

(1) This Act is to be administered under the principle that the wellbeing and best interests of an adopted child, both through childhood and the rest of his or her life, are paramount.

(2) Subject to subsection (1), this Act is to be administered under the following principles—

(a) the purpose of an adoption is to provide for a child's long-term care, wellbeing and development by creating a permanent parent-child relationship between the child and the adoptive parents;

(b) adoption is an appropriate long-term care option for a child if—

(i) the child's parents choose adoption for the child's long-term care; or

(ii) the child does not have a parent who is willing and able to protect the child from harm and meet the child's need for long-term stable care;

(c) each of the parties to an adoption or proposed adoption should be given the information he or she reasonably needs to participate effectively in processes under this Act;

(d) a child should be kept informed of matters affecting him or her in a way and to an extent that is appropriate, having regard to the child's age and ability to understand;

(e) the process for a child's adoption should include considering the views of—

(i) the child's parents; and

(ii) the child, if he or she is able to form and express views about the adoption, having regard to the child's age and ability to understand;

(f) an adopted child of a particular ethnic or other cultural background should have—

(i) access to information about the child's ethnic or cultural heritage; and

- (ii) opportunities to develop and maintain a connection with the child's ethnicity or culture; and
- (iii) opportunities to maintain contact with the child's community or language group;
- (g) a child's adoptive parents have the primary responsibility for the child's upbringing, protection and development;
- (h) an adopted child should be cared for in a way that—
 - (i) ensures a safe, stable and nurturing family and home life; and
 - (ii) promotes openness and honesty about the child's adoption; and
 - (iii) promotes the development of the child's emotional, mental, physical and social wellbeing;
- (i) the same protection, support and resources should be available to an adopted person regardless of whether the adoption was a local adoption, intercountry adoption or adoption by a step-parent;
- (j) although a final adoption order changes legal relationships, it may be in an adopted child's best interests for—
 - (i) the child's emotional connections with members of the child's birth family to continue; or
 - (ii) the child to have ongoing contact with members of the child's birth family; or
 - (iii) the child or the child's adoptive parents to exchange information with members of the child's birth family.

7 Additional principles concerning Aboriginal and Torres Strait Islander persons

- (1) This Act is also to be administered under the following principles -
 - (a) because adoption (as provided for in this Act) is not part of Aboriginal tradition or Island custom, adoption of an Aboriginal or Torres Strait Islander child should be considered as a way of meeting the child's need for long-term stable care only if there is no better available option;
Note Island custom includes a customary child-rearing practice that is similar to adoption in so far as parental responsibility for a child is permanently transferred to someone other than the child's parents. This practice referred to as either 'customary adoption' or 'traditional adoption'.
 - (b) it is in the best interests of an Aboriginal or Torres Strait Islander child -
 - (i) to be cared for within an Aboriginal or Torres Strait Islander community; and
 - (ii) to maintain contact with the child's community or language group; and

(iii) to develop and maintain a connection with the child's Aboriginal tradition or Island custom; and

(iv) for the child's sense of Aboriginal or Torres Strait Islander identity to be preserved and enhanced.

(2) If the Children's Court exercises a power under this Act in relation to an Aboriginal or Torres Strait Islander child, the court must have regard to the views, about the child and about Aboriginal tradition or Island custom relating to the child, of an appropriate Aboriginal or Torres Strait Islander person.

(3) As far as is reasonably practicable, the chief executive and other officers of the department must try to conduct consultations, counselling, negotiations and other proceedings involving an Aboriginal person or Torres Strait Islander in a way and in a place that is appropriate to Aboriginal tradition or Island custom.

9 References to child's wellbeing or best interests

Unless a contrary intention appears, a reference in this Act to a child's wellbeing or best interests is a reference to the child's wellbeing or best interests through both childhood and the rest of his or her life.

10 Who may be adopted

(1) A child may be adopted by an order of the Children's Court under this Act.

(2) A child may be adopted whether or not the child has been previously adopted.

(3) An adult may not be adopted.

18 Form of consent

(1) A parent's consent to the child's adoption must be in the approved form, signed by the parent and witnessed by an authorised person.

(2) The approved form must include provision for—

(a) information to identify the child; and

(b) information to identify the parent; and

(c) a signed statement by the witness that the witness has sighted the documents, relating to proof of the parent's identity, prescribed under a regulation.

(3) The approved form may also include provision for other matters relevant to the child's adoption that may be, but are not required to be, completed.

Example of other matters—

details of another parent of the child to the extent the details are known by the parent giving the consent

(4) A single document must not contain—

(a) consent to the adoption of more than 1 child; or

(b) more than 1 parent's consent to the adoption of the child.

(5) In this section—

authorised person means a public service employee, or other appropriate person in Queensland or elsewhere, authorised by the chief executive to witness a consent for this Act.

21 Obligation to enable understanding

The chief executive must ensure information is given to each of the child's parents under this division, and counselling of the parent is carried out under this division, in a way that enables the parent to understand.

22 Parents to be given consent documents

The chief executive must give to each of the child's parents—

- (a) a document showing the contents of the approved form for section 18; and
- (b) a document that the parent may use to revoke consent given by the parent to the child's adoption.

23 Parents to be given prescribed information

(1) The chief executive must give each of the child's parents a document containing information about the following matters (the prescribed information)—

- (a) options other than adoption for the child's long-term care;
- (b) support (financial and otherwise) that may be available to the parent whether or not adoption of the child proceeds;
- (c) possible psychological effects for the parent, both short and long-term, of consenting to the adoption;
- (d) possible psychological effects for the child, both short and long-term, of being adopted;
- (e) how and when the parent's consent to the adoption may be revoked;
- (f) how the parent may give the chief executive the parent's preferences relating to the child's adoption including, for example, preferences about—
 - (i) the child's religious upbringing; or
 - (ii) the characteristics of the child's adoptive parents and adoptive family; or
 - (iii) the degree of openness in the adoption;
- (g) the adoption process under this Act, including—
 - (i) the consents required for an adoption; and
 - (ii) the process for recruiting, assessing and selecting prospective adoptive parents; and
 - (iii) the chief executive's functions and powers relating to the child's adoption; and
 - (iv) the role of the Childrens Court;
- (h) the legal effect of adoption;
- (i) the rights and responsibilities of the parties to an adoption, including those relating to—
 - (i) adoption plans; and
 - (ii) access to information about, and contact with, other parties to an adoption throughout the life of the adopted person;

(j) the requirement for pre-consent counselling and how it will be arranged;

(k) if the child to be adopted is an Aboriginal person or Torres Strait Islander—

(i) options other than adoption for the child's long-term care in accordance with Aboriginal tradition or Island custom; and

(ii) the importance of the child being cared for in a way that—

(A) helps the child to develop and maintain a connection with the child's Aboriginal tradition or Island custom; and

(B) preserves and enhances the child's sense of Aboriginal or Torres Strait Islander identity.

(2) The chief executive must arrange for the prescribed information to be explained to the parent.

24 Parents to be given pre-consent counselling

(1) The chief executive must arrange for each of the child's parents to receive counselling about the prescribed information under section 23.

(2) The counselling must be carried out by a counsellor nominated by the chief executive.

(3) The nominated counsellor may be an officer of the department.

(4) However, if the nominated counsellor is an officer of the department, the chief executive must—

(a) advise the parent that he or she may ask for further counselling by someone who is not an officer of the department; and

(b) if the parent makes a request under paragraph (a), nominate another counsellor who is not an officer of the department to carry out the further counselling.

(5) The counselling must be carried out in a way that allows the parent to ask questions and discuss the prescribed information and matters arising from the information.

(6) If the counsellor reasonably suspects the parent does not have capacity to consent to the adoption, the counsellor must notify the chief executive.

(7) The counsellor may offer to meet with other persons.

Example—

The counsellor may offer to meet other family members to help the parent to consider other options for the child's long-term care.

(8) The counselling may be carried out in 1 or more sessions and by 1 or more counsellors.

(9) In this section—

counsellor means a person who the chief executive is satisfied has appropriate qualifications or experience to carry out counselling under this section.

25 Pre-consent information and counselling for Aboriginal or Torres Strait Islander child

- (1) This section applies if the child to be adopted is an Aboriginal person or Torres Strait Islander.
- (2) The counselling under section 24 must be carried out in a way and at a place that is appropriate to Aboriginal tradition or Island custom.
- (3) The person who explains the prescribed information mentioned in section 23(1)(k)—
- (a) need not be a counsellor under section 24; but
 - (b) must be an appropriate Aboriginal or Torres Strait Islander person.
- (4) This section does not apply to the counselling of a parent to the extent the parent, by giving the chief executive a signed notice in the approved form, declines to receive counselling in a way, or by a person, required by this section.
- (5) The approved form for subsection (4) must state—
- (a) that the chief executive has offered the parent counselling under this section; and
 - (b) the extent to which the counselling is declined; and
 - (c) that the chief executive has given the parent a document containing the information mentioned in subsection (3).

26 Parents' access to legal advice

The chief executive must ensure each of the child's parents is told that the parent may wish to seek legal advice and is given the details of at least 1 entity that generally provides free legal services.

44 Child must be given information

- (1) The chief executive must ensure the child is given the prescribed information before an application for an adoption order for the child is made.
- (2) The information must be given in a way and to an extent that is reasonable, having regard to the child's age and ability to understand.
- (3) In this section--
- prescribed information means information about the following matters--
- (a) options other than adoption for the child's long-term care;
 - (b) possible psychological effects for the child, both short and long-term, of being adopted;
 - (c) how the child's parents may give the chief executive their preferences relating to the child's adoption including, for example, preferences about--
 - (i) the child's religious upbringing; or
 - (ii) the characteristics of the child's adoptive parents and adoptive family; or
 - (iii) the degree of openness in the adoption;
 - (d) the adoption process under this Act, including--
 - (i) the consents required for an adoption; and

- (ii) the process for recruiting, assessing and selecting prospective adoptive parents; and
- (iii) the chief executive's functions and powers relating to the child's adoption; and
- (iv) the role of the Childrens Court;
- (e) support that may be available to the child under sections 47, 235 and 236;
- (f) the legal effect of adoption;
- (g) the rights and responsibilities of the parties to an adoption, including those relating to--
 - (i) adoption plans; and
 - (ii) access to information about, and contact with, other parties to an adoption throughout the life of the adopted person;
- (h) the requirement for counselling under section 45 and how it will be arranged;
- (i) if the child to be adopted is an Aboriginal person or Torres Strait Islander--
 - (i) options other than adoption for the child's long-term care in accordance with Aboriginal tradition or Island custom; and
 - (ii) the importance of the child being cared for in a way that--
 - (A) helps the child to develop and maintain a connection with the child's Aboriginal tradition or Island custom; and
 - (B) preserves and enhances the child's sense of Aboriginal or Torres Strait Islander identity;
- (j) the guiding principles that--
 - (i) the child should be kept informed of matters affecting him or her in a way and to an extent that is appropriate, having regard to the child's age and ability to understand; and
 - (ii) the child's views must be given consideration, having regard to the child's age or ability to understand.

45 Child must be given counselling

- (1) The chief executive must ensure the child receives counselling about the proposed adoption, from a counsellor nominated by the chief executive, before an application for an adoption order for the child is made.
- (2) The counselling must be carried out in a way and to an extent that is reasonable, having regard to the child's age and ability to understand.
- (3) The counselling may be carried out in 1 or more sessions and by 1 or more counsellors.
- (4) In this section—

counsellor means a person who the chief executive is satisfied has appropriate qualifications or experience to carry out counselling under this section.

46 Counselling for Aboriginal or Torres Strait Islander child

- (1) This section applies to the counselling under section 45 if the child is an Aboriginal person or Torres Strait Islander.
- (2) The counselling must be carried out in a way and at a place that is appropriate to Aboriginal tradition or Island custom.
- (3) A person who, as part of the counselling, explains the information under section 44(3), definition prescribed information, paragraph (i)—
 - (a) need not be a counsellor under section 45; but
 - (b) must be an appropriate Aboriginal or Torres Strait Islander person.
- (4) This section does not apply to the extent the child declines to receive counselling in a way, or by a person, required by this section.

118 Consultation with appropriate Aboriginal or Torres Strait Islander person

- (1) This section applies if the person is being assessed for suitability to be an adoptive parent of a child who is, or children who include, an Aboriginal or Torres Strait Islander child.
- (2) The chief executive must consult with an appropriate Aboriginal or Torres Strait Islander person about—
 - (a) Aboriginal tradition or Island custom relating to the child; and
 - (b) the person's suitability.

131 Aboriginal or Torres Strait Islander children

- (1) This section applies if the chief executive is making a decision about the person's suitability to be an adoptive parent of a child who is, or children who include, an Aboriginal or Torres Strait Islander child.
- (2) The chief executive must have regard to the person's ability and willingness to—
 - (a) help the child to maintain contact with the child's community or language group; and
 - (b) help the child to develop and maintain a connection with the child's Aboriginal tradition or Island custom; and
 - (c) preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity.
- (3) If the chief executive is making a decision about the person's suitability to be an adoptive parent of a particular Aboriginal or Torres Strait Islander child, the chief executive must have regard to the person's links with, and standing in, the child's community or language group.