

HANDOUT TWO – CHILD PLACEMENT PRINCIPLE

EXTRACT FROM THE *CHILD PROTECTION ACT 1999*

Section 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 relationships 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.