

Possible changes to the Child Protection Act

Reinforcing children and young people's rights

Human rights are the basic rights and freedoms that recognise the value of each person. Children and young people have the same general rights as adults but they also have some specific rights that recognise they have special needs.

The law creates a framework that recognises the rights of children and young people, but we think there is always room for improvement. We are looking at ways the law can better recognise, promote and protect children and young people's rights. Some options for changes to the legislation are set out below—these aim to create a stronger focus on rights in the child protection system.

We are keen to hear what you think about these possible changes. You can tell us your views through the Queensland Youth eHub or by sending us an email at CPALegislationreview@csyw.qld.gov.au.

Possible changes to the legislation

<p>Preamble in the Child Protection Act</p> <p>A preamble sets out why the law was made and facts or values that are important for making decisions under the law.</p> <p>We are looking at whether a preamble should be added to the Child Protection Act. A preamble could recognise international rules about your rights and community values around protecting children and young people.</p>	<p>New purpose in the Child Protection Act</p> <p>A purpose sets out what legislation aims to achieve, and can be used to help work out the meaning of other parts of the law.</p> <p>The purpose of the Child Protection Act is to 'provide for the protection of children'. We are looking at whether this purpose should include other things such as helping families or promoting children's wellbeing.</p>
<p>Deciding what's in your best interests</p> <p>The law says the most important thing when making decisions is the safety, wellbeing and best interests of children and young people.</p> <p>We are looking at whether the law should include a list of things a person making a decision should consider when working out what is in your best interests. This could help ensure the important things in the list are always considered when making a decision.</p>	<p>Changing the charter of rights</p> <p>The law sets out a charter of rights for children and young people in care. The charter lists eleven rights, including a right to privacy.</p> <p>We are also looking at whether changes should be made to the charter. This could include new rights being added, such as a right to:</p> <ul style="list-style-type: none"> ▪ be treated fairly and with respect ▪ use your own language ▪ do things you enjoy such as sport or art.
<p>Changing who the charter of rights applies to</p> <p>The law sets out a charter of rights for children and young people in care. But children and young people might be involved with the child protection system without being 'in care'. This can happen where there are no court orders but a child or young person is receiving services from the department.</p> <p>We are looking at whether the charter should apply to all children and young people receiving child protection services not just those 'in care'.</p>	<p>Asking for a decision to be reviewed</p> <p>The law says children and young people can ask for some decisions to be checked by an independent tribunal. These decisions include who they live with and how often they visit their parents if they don't live with them.</p> <p>We are looking at whether changes should be made about which decisions can be reviewed and the process for them being looked at.</p>