



Queensland

Truth-Telling and Cultural Appreciation in Education Youth Act 2023

Youth Act No. 8 of 2023

A Youth Act to establish an education program for truth-telling and cultural appreciation in Queensland State Schools, and to establish the Advisory Council for First Nations Truth-Telling and Cultural Appreciation in Schools.

[Assented to 16 November 2023]



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Truth-Telling and Cultural Appreciation in Education Youth Act 2023

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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Truth-Telling and Cultural Appreciation in Education Youth Act 2023*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

The main purposes of this Youth Act are to—

- (a) incorporate the teaching of Truth-Telling and Cultural appreciation in Queensland state schools; and
- (b) enable the self-determination of First Nations peoples by recognising and supporting their capacity to deliver and implement truth-telling and cultural appreciation teachings.

Part 2 Interpretation

4 Definitions

In this Youth Act—

academic term means half a semester.

cultural appreciation has the meaning given by section 7.

cultural authority has the meaning given by section 8.

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community means a group of First Nations peoples associated with or originating from a particular country, language group, or clan group.

elder has the meaning given by section 5.

First Nations means Aboriginal people or a Torres Strait Islander.

First Nations Education Program means the truth-telling and cultural appreciation teachings delivered by knowledge holders through this Act.

knowledge holder has the meaning given by section 8.

region see schedule 2 of the *Planning Act 2016*.

semester has the meaning given by the *Education (General Provisions) Act 2006*.

special review meeting means the meeting process described in section 16.

the Council means the Advisory Council for First Nations Truth-Telling and Cultural Appreciation in Schools established under this Act.

the Minister means the Minister for Education.

truth-telling has the meaning given by section 6.

5 Meaning of **elder**

- (1) An **elder** means a figure, leader or member of a First Nations community, who is recognised as an important representative within that community and holds a position of power and respect.
- (2) An elder is someone who has gained recognition as a custodian of knowledge, lore, culture and history and has the ability to disclose knowledge and beliefs where it is culturally appropriate.

6 Meaning of *truth-telling*

- (1) In this Act, *truth-telling* means the teaching of the true impacts that colonisation, conflict, and assimilation have had upon the First Nations peoples of Australia.
- (2) Truth-telling includes the teaching of the following—
 - (a) the Australian Frontier Wars, including associated massacres and conflicts;
 - (b) the denial of First Nations peoples to freely practise and celebrate their cultures, lores, and languages;
 - (c) the inhumane living conditions many First Nations peoples were subjugated to;
 - (d) the Stolen Generations of Aboriginal and Torres Strait Islander peoples;
 - (e) Legislation and Government policies which have sought to restrict the human rights of First Nations peoples;
 - (f) the ongoing impact and legacy of colonisation upon First Nations peoples, including intergenerational Trauma;
 - (g) the legacy of colonisation is current institutions such as education, healthcare, and the justice system;
 - (h) the perseverance of First Nations peoples;
 - (i) the strength of First Nations peoples in surviving and prospering; and
 - (j) respectful terminology to address First Nations peoples.

7 Meaning of *cultural appreciation*

- (1) In this Act, *cultural appreciation* means the celebration of First Nations culture and identity, ensuring the preservation of cultures for generations to come.
- (2) Cultural appreciation includes the celebration of the following—

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- (a) local First Nations knowledge systems, such as knowledge of specific local environments and ecosystems;
- (b) First Nations history prior to invasion;
- (c) the Dreaming;
- (d) First Nations art, dance and music;
- (e) First Nations knowledge regarding agriculture;
- (f) First Nations approaches and interpretations of astronomy;
- (g) First Nations technology, such as instruments, tools and devices;
- (h) First Nations contributions to sport;
- (i) traditional First Nations applications to science and mathematics;
- (j) appreciation of First Nations culture, not appropriation; and
- (k) the contemporary achievements of First Nations peoples in all sectors.

8 Meaning of cultural authority

- (1) ***Cultural authority*** means a First Nations persons knowledge of First Nations ways of being, doing and knowing that is sourced from an individual’s own community.
- (2) The key principles of cultural authority are the following—
 - (a) cultural authority is, and can only be, sourced from an individual’s own community;
 - (b) cultural authority grants individuals the authority to accurately and historically educate others about First Nations ways of being, doing and knowing;
 - (c) an individual with cultural authority should be permitted by their community to deliver specific First Nations teachings in various educational settings in Queensland

to both Indigenous and non-Indigenous primary and secondary students before they do so.

Part 3 Teaching truth-telling and cultural appreciation

9 Knowledge Holders

- (1) A *knowledge holder* means a First Nations person who is given authority to teach First Nations truth-telling and cultural appreciation in state schools.
- (2) A knowledge holder may be an elder, leader, or member of a regional, rural, or remote Aboriginal community controlled organisations.
- (3) Knowledge holders are equipped to provide a safe learning environment to explore Aboriginal and Torres Strait Islander teachings and cultures.
- (4) A First Nations person may apply to the Council to be a knowledge holder, and be able to provide the First Nations education program in State primary or secondary schools.
- (5) When considering an application to be a knowledge holder, the Council must give regard to—
 - (a) the applicants lived experience as a First Nations person; and
 - (b) the applications connection to or understanding of country, including ancestry, lore, geographical knowledge, language, local historical knowledge or any form of knowledge passed between generations; and
 - (c) the applicants cultural authority; and
 - (d) the applicants experience as an educator or otherwise in educational environments, whether formal or informal; and

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- (e) any other factor which the Council believes may affect the applicants ability to deliver truth-telling or cultural appreciation education.
- (6) In assessing an application to be a knowledge holder, subsection (5)(c) and (d) must be considered as secondary to sections 6(2)(a) to (ba).
- (7) For the avoidance of doubt, in considering an applicant's credentials or qualifications, a lack of formal education or qualifications does not exclude an applicant from consideration.
- (8) Applicants must be interviewed by the Council prior to their appointment.
- (9) The process and content of the interview must be approved by the Minister.

10 Delivery of education program with no successful applicant

- (1) Where an applicant is unsuccessful and no other person in their community has applied to be a knowledge holder or no other person been successful in being appointed, the Council may provide resources to applicants and their community to develop their skills.
- (2) However, the Council may not provide applicants with training that relates to culture or cultural authority.
- (3) Until the appointment of a successful candidate in that community, the Council may—
 - (a) locate an eligible knowledge holder from an outside community to teach the First Nations education program in the necessary community; or
 - (b) appoint an interim knowledge holder from a local Aboriginal community-controlled organisation to deliver the education program.

11 Teaching truth-telling and cultural appreciation

- (1) Any knowledge holder in their community shall be entitled during school hours to give to the students in attendance at a State primary or secondary school education on truth-telling and cultural appreciation—
 - (a) for an average time of 30 minutes per week; and
 - (b) on a day and time that the principal of that school appoints; and
 - (c) at least once per fortnight.
- (2) Hours spent learning teachings on truth-telling must be equally balanced with teachings on cultural appreciation.
- (3) Teachings delivered in the First Nations education program may be a combination of general knowledge of Australian histories, and place-based knowledge, specific to the Traditional Owners of that area.
- (4) The truth-telling education delivered to students must be age-appropriate as decided by the Council.
- (5) Teachings delivered in the First Nations education program must adhere to all other guidelines as decided by the Council.
- (6) Knowledge holders may teach the First Nations education program at multiple schools in their community.
- (7) Notwithstanding anything in this section, any parent or guardian of a student in attendance at a state school may withdraw such student from the First Nations education program by notification in writing to the principal.
- (8) The clauses pursuant to this section apply to all students enrolled at a State primary school.

12 Principles of operation

- (1) The First Nations education program must at all times be guided by principles of—
 - (a) cultural safety; and
 - (b) self-determination, including First Nations—

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- (i) leadership; and
 - (ii) expertise; and
 - (iii) decision making; and
- (c) strengths-based approaches, including—
 - (i) an emphasis on positive attributes with a focus on knowledge, achievements, resilience and self-determination, rather than deficits and shortcomings; and
 - (ii) acknowledgement that environments and systems can create power imbalances and constrain individual and community growth; and
 - (iii) capacity building which encourages and promotes self-determination, aptitude, and liberty.
- (2) The First Nations education program must be delivered in accordance with—
 - (a) the 8 Aboriginal Ways of Learning pedagogy, protocols, and best practice; and
 - (b) any school and local community-specific pedagogy; and
 - (c) any other guidelines as determined by the Council.
- (3) Teachings delivered in the First Nations education program must aim to develop students—
 - (a) awareness and knowledge about the culture and experiences of others (*cultural awareness*); and
 - (b) ability to reflect on their own attitudes, beliefs, values, knowledge, and experiences and how this may impact on their interactions with people of other cultural backgrounds (*cultural sensitivity*); and
 - (c) ability to understand and respect another culture's attitudes, beliefs, values, knowledge, and experiences and develop behaviours and skills to respectfully navigate these differences and account for them (*cultural competence*).

Part 4 Advisory Council

13 Council Established

The Advisory Council for First Nations Truth-Telling and Cultural Appreciation in Schools is established.

14 Advisory Council appointment

- (1) The Council has a membership of 20 people, comprised by—
 - (a) 11 regional representatives; and
 - (b) 4 teachers; and
 - (c) 4 experts; and
 - (d) a secretary.
- (2) A person may be appointed to the Council by the Minister.
- (3) The Councils membership must contain the following—
 - (a) 11 First Nations Elders or leaders representing each region of Queensland (each a *regional representative*);
 - (b) 1 primary school teacher who is of Aboriginal or Torres Strait Islander descent and working in a metropolitan area;
 - (c) 1 primary school teacher who is of Aboriginal or Torres Strait Islander descent and working in a rural area;
 - (d) 1 primary school teacher who is of Aboriginal or Torres Strait Islander descent and working in a regional area;
 - (e) 1 primary school teacher who is of Aboriginal or Torres Strait Islander descent and working in a remote area;
 - (f) 2 experts in First Nations history who are of Aboriginal or Torres Strait Islander descent;
 - (g) 2 experts in education who are of Aboriginal or Torres Strait Islander descent;
 - (h) 1 person of Aboriginal or Torres Strait Islander descent appointed as a dedicated secretary to the Council.

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- (4) A person who is a First Nations Elder from a particular region who also fulfills the criteria of another category under (3) counts for both of those categories.

Example—

A First Nations Elder appointed from the Gold Coast Region who is also a primary school teacher working in an metropolitan area counts for both of those categories, not just as a First Nations Elder from the Gold Coast Region, or a primary school teacher working in an urban area.

- (5) The Council must have at least 2 members of Torres Strait Islander descent.
- (6) Council Members will be appointed through a recruitment process as determined by the Minister.
- (7) Members are appointed to a 3-year term unless their appointment specifies a different time.
- (8) The Minister may make an order to—
- (a) increase the membership of the Council; or
 - (b) reduce the membership of the Council; or
 - (c) change the composition of the Council's membership.
- (9) In exercising their power under subsection (8)(a), the Minister must not increase the membership of the council to a number above 25.
- (10) In exercising their power under subsection (8)(b), the Minister must not reduce the membership of the council to a number below 15.
- (11) In exercising their power under (8)(c), the Minister must consider whether a suitable candidate of Aboriginal or Torres Strait Islander descent is available for the role and prioritise their allocation.
- (12) For the purposes of a special review meeting, the Minister is a member of the Council.
- (13) For the avoidance of doubt, the Minister is only a member during a special review meeting.

15 Chairperson of the Council

- (1) The Council has an elected Chairperson.
- (2) The Chairperson has responsibility for—
 - (a) communicating with the Minister to discuss the impact of the First Nations Education Program; and
 - (b) presiding over and organising review meetings of the First Nations Education Program; and
 - (c) representing the Council when meeting with relevant stakeholders including knowledge holders, Ministers and Departmental representatives, educational providers and support function providers; and
 - (d) exercising any other function to ensure the effective governance and management of the Council and the First Nations Education program.
- (3) The Chairperson must be elected from the full membership of the Council.
- (4) Only a regional representative may be elected as Chairperson.
- (5) Additionally, the secretary may not be elected as Chairperson.

16 Secretary

- (1) The Council has a secretary, who is an appointed member under section 13(3)(h).
- (2) The secretary has responsibility for—
 - (a) the exercising of general administrative and clerical duties to ensure the sound functioning of the Council and the First Nations Education Program; and
 - (b) the conducting of research for the Council; and
 - (c) general document and information management; and
 - (d) any other duty that the Council delegates to the secretary.

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- (3) In the absence of the Chairperson at a meeting, the secretary may act on the Chairpersons behalf and exercise all the powers and functions of the Chairperson.
- (4) The Council may approve the allocation of staff to support the work of the secretary.

17 Council members to meet with knowledge holders

Council members must meet with knowledge holders from their region at least once per semester.

18 Special review meetings

- (1) The Council must meet once per semester to discuss feedback and changes proposed from reports of knowledge holders and participating schools.
- (2) These meetings are special review meetings.
- (3) The Minister must attend a special review meeting.
- (4) Implementation of feedback and changes will be determined by a majority vote of the Council, and subsequent approval of the Minister.
- (5) The Minister is not permitted a vote in proceedings of a special review meeting.
- (6) However, (3) does not apply where the Council has voted in a tie.

19 Advisory Council functions and powers

- (1) The Council is responsible for the appointment of knowledge holders to deliver the First Nations education program.
- (2) The Council is responsible for collating and designing resources for knowledge holders.
- (3) The Council must ensure that—
 - (a) teachings are age appropriate and consistent with the teachings of other year levels; and

- (b) knowledge holders are provided with any resources and support necessary to provide comprehensive education.
- (4) The Council may decide on other guidelines for the education program as appropriate.
- (5) The Council is responsible for seeking reports from participating state schools and knowledge holders.
- (6) Pursuant to (3), the Council may direct a participating state school or knowledge holder to provide a report on their delivery of the program.
- (7) The required content of the report must be contained within the direction given.

20 Duties of the Minister

The Minister is responsible for—

- (a) engaging with relevant review and accountability processes; and
- (b) reviewing feedback provided by the review and accountability processes, including the bi-annual report; and
- (c) discussing and deliberating feedback received with the Council once per semester in special review meetings; and
- (d) implementing changes from feedback, when appropriate.

21 School Incentivisation

State schools that provide teachings through the First Nations Education program under this Act may receive, at the Council's discretion—

- (a) accreditation in delivering the First Nations education program; and
- (b) resources, as determined by the Council.

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22 Review and accountability processes

- (1) The Council must seek feedback once per academic term from state schools delivering the program, outlining the following—
 - (a) students' engagement and interest in the teachings;
 - (b) the percentage of students being withdrawn from the teachings;
 - (c) parental feedback;
 - (d) specific topics being taught across each respective year level;
 - (e) an accurate log of lesson times;
 - (f) any other feedback, concerns, or issues.
- (2) The Council must seek feedback once per academic term from every knowledge holder, outlining the following—
 - (a) student's engagement and interest in the teachings;
 - (b) specific topics being taught across each year level;
 - (c) the cultural safety and appropriateness of the environment;
 - (d) an accurate log of lesson times;
 - (e) any other feedback, concerns, or issues.

23 Bi-Annual Report to Minister

- (1) The Council must provide a bi-annual report to the Minister summarising—
 - (a) feedback from participating schools; and
 - (b) feedback from knowledge holders; and
 - (c) the number of schools participating; and
 - (d) the number of knowledge holders; and
 - (e) the allocation of resources to participating schools and knowledge holders; and

- (f) any other feedback, concerns, or issues.
- (2) Feedback from the reporting mechanisms must be considered by the Minister and Council when making any changes to the program under their functions prescribed by the Act.

24 Remuneration and Accreditation

- (1) The Minister must determine remuneration for appointed members of the Council.
- (2) The Minister may determine remuneration for knowledge holders in the form of—
 - (a) financial compensation; or
 - (b) training, resources and support to sufficiently teach the First Nations Education Program.

25 Support functions

- (1) The Council may provide support functions to deliver the education program.
- (2) The Council must prioritise the social and emotional wellbeing of the knowledge holders and the First Nations students engaging in the First Nations education program, to establish a safe learning environment.
- (3) The Council must provide knowledge holders with support services routinely or as the knowledge holder needs, including the following—
 - (a) crisis support services;
 - (b) counselling services;
 - (c) gender-specific services that have a cultural understanding of Women’s Business and Men’s Business;
 - (d) any support service that the Council deems appropriate.
- (4) The Council must provide knowledge holders with resources to support First Nations students in the classroom and refer

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them to relevant social and emotional wellbeing support services, where appropriate.

- (5) Where appropriate, the Council may seek support from relevant Aboriginal Community-Controlled Organisations to facilitate support mechanisms.
- (6) Where a knowledge holder or First Nations student participating in the First Nations education program identifies that their participation is negatively impacting their wellbeing, they may leave the program effective immediately and still receive the support services provided by the Council.