



23 March 2026

Commission Secretariat

Child Safety Commission of Inquiry

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## **QIFVLS Supplementary Submission – Part-heard FNQ Public Hearing (Brisbane) 17 – 28 November 2025**

Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to provide this supplementary submission following the continuation of the Cairns/Far North Queensland public hearing, held in Brisbane (FNQ-Brisbane hearing) from 17 to 28 November 2025.

QIFVLS relies upon and maintains its written submission dated 25 August 2025 (August 2025 submission) alongside the recommendations from Cairns supplementary submission following the Cairns public hearing, held from 8 to 26 September 2025.

Our submission is that the evidence heard by the Commission during the FNQ-Brisbane hearing days confirms, deepens and sharpens our initial concerns. In several important respects, the Department’s own witnesses have accepted the substance of matters earlier raised by QIFVLS.

From the evidence, we argue that the child protection system continues to convert social harm into risk attributed to our clients, especially mothers. Concurrently, the system continues to speak in the language of self-determination, cultural safety and early intervention while retaining decisive power within the Department and repeatedly defaulting to coercive, legalistic and resource-driven responses.<sup>1</sup>

QIFVLS submits that the Commission’s findings and recommendations should be framed consistently with the National Agreement on Closing the Gap, particularly Target 12, Target 13 and Priority Reform 3. Child protection reform must be treated as a Closing the Gap obligation, not merely as internal departmental reform exercise.

### **1. Summary of Recommendations**

In light of the evidence given at the FNQ/Brisbane hearing, QIFVLS urges the Commission to make the following recommendations, in addition to those in our Cairns hearing supplementary submission:

1. **Recommendation 1:** Establish an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme requiring child protection workers to offer and facilitate a warm referral to QIFVLS or another relevant Aboriginal and

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<sup>1</sup> Day 10, Van Houdt, T3139–3140



- Torres Strait Islander community-controlled legal or support service at the earliest practicable opportunity.
2. **Recommendation 2:** Require regular, ACCO-designed and ACCO-delivered cultural capability and anti-racism education for Child Safety staff, supported by ongoing cultural supervision and accountability mechanisms.
  3. **Recommendation 3:** Prioritise ACCO and culturally grounded supports, including family-led decision-making, Family Participation Program pathways, ACCO-led healing supports, and culturally safe conditions that enable connection to family, kin and culture.
  4. **Recommendation 4:** Strengthen the role of Cultural Practice Advisers so that their advice carries real decision-weight in assessment, case planning, placement decision-making and litigation-related processes.
  5. **Recommendation 5:** Implement a trauma-informed and domestic and family violence-informed child protection framework, particularly in respect of unborn and newborn matters, so that victim-survivors are not treated as the problem.
  6. **Recommendation 6:** Increase funding, information access and genuine decision-making power for ACCOs, including through stronger delegated authority arrangements and transparent override mechanisms.
  7. **Recommendation 7:** Stabilise staffing and case management through minimum staffing ratios, retention incentives, continuity standards and proper resourcing in high-demand regions.
  8. **Recommendation 8:** Establish, or pilot, a specialist child protection court or list that provides a culturally safe, therapeutic and continuity-based environment for Aboriginal and Torres Strait Islander children and families.
  9. **Recommendation 9:** Reform the Child Protection Litigation model by clarifying roles, improving timeliness and transparency, separating fact from inference and opinion in court material, and embedding cultural safety obligations in litigation practice.
  10. **Recommendation 10:** Develop a mandatory pre-birth framework requiring early notice, culturally safe support engagement, legal referral, and strict controls around newborn removal pathways.
  11. **Recommendation 11:** Establish an independent retrospective review process to identify and assess decisions affecting Aboriginal and Torres Strait Islander children and families that were materially influenced by retired decision-support tools or comparable biased practices.
  12. **Recommendation 12:** Create a statutory, culturally safe leaving-care support model extending to age 25.

## 2. Family violence as a cornerstone

The FNQ-Brisbane hearing evidence strongly supports our proposition that family violence is a cornerstone intersecting issue.

Under questioning, Departmental witnesses accepted that domestic and family violence is a primary driver of Aboriginal and Torres Strait Islander children coming to the attention of the child protection system. The evidence also supported the proposition that the



system continues to interpret victimisation as parental deficiency, rather than responding to victim-survivors as people requiring protection, practical support and perpetrator accountability.<sup>2</sup>

This was evident in at least three ways:

- First, file language and risk categorisation can obscure the distinction between victim and perpetrator. On Day 3, for example, the witness accepted that it was more accurate to record that the mother had been assaulted by the father while holding the infant, and that she was not the aggressor.<sup>3</sup>
- Secondly, the evidence demonstrated that DV is frequently captured within emotional abuse or related risk categories, thereby translating violence perpetrated against a mother into a child protection concern.
- Thirdly, the hearing evidence supports the proposition that victim-survivors are often required to achieve safety outcomes in circumstances where coercion, fear, poverty and housing scarcity severely constrain their capacity to do so. Under Mr Creamer's questioning, Ms Van Houdt accepted the "locked in" predicament for victim-survivors and accepted the limits of available housing and support responses.<sup>4</sup>

QIFVLS submits that the Commission should find that domestic and family violence is one of the principal mechanisms by which Aboriginal and Torres Strait Islander children are drawn into the child protection system. Current child protection practice continues to risk punishing non-offending parents for the unconscionable conduct of persons using violence.

### 3. The culture of Child Safety and structural unfairness

The QIFVLS August submission identified the culture of Child Safety itself as requiring urgent review and reform. The hearing evidence materially supports that concern.

Departmental witnesses accepted that the system is highly complex and difficult to navigate. Ms Porta described the system as a "big beast", acknowledged that it is laden with acronyms, and accepted that it is especially difficult for parents with low literacy, limited formal education, or English as a second or third language. She accepted the need for simplification of material and better communication, including through more First Nations staff and more accessible forms of information.<sup>5</sup>

Thus, notions of parental 'non-engagement' or a lack of 'insight' need to be viewed within the context of the system itself. QIFVLS submits that the bureaucracy and opacity Child

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<sup>2</sup> Day 10, Van Houdt, T3139-3140

<sup>3</sup> Day 3, Jones, T2317; Day 7, Ferguson, T2720

<sup>4</sup> Day 10, Van Houdt, T3139-3140

<sup>5</sup> Day 5, Porta, T2558



Safety impairs fair participation by Aboriginal and Torres Strait Islander families and contributes to ongoing distrust and disengagement.

## 4. Cultural safety, cultural authority and self-determination

### 4.1 Cultural safety training and protocols

While QIFVLS have advocated for stronger cultural safety training and protocols, the evidence demonstrated that training alone is insufficient. Ms Porta accepted that more cultural capability training was required. Under Mr Creamer's questioning, Ms Van Houdt's evidence was that within the 'Grow Train' program the Aboriginal and Torres Strait Islander decision-making content is effectively one day, and she could not meaningfully explain the content of that day.<sup>6</sup>

QIFVLS submits that the Commission should find that current cultural capability measures are too thin, too episodic and too weakly tied to supervision and accountability to achieve the institutional transformation required under Priority Reform 3 under the National Agreement on Closing the Gap.

### 4.2 Cultural Practice Advisers (CPAs)

Ms Porta accepted that there are not enough CPAs in Far North Queensland and, in an ideal world, there would be a CPA attached to every team. Under Mr Creamer's questioning, Ms Van Houdt accepted she had heard criticism that CPA advice is often not accepted.<sup>7</sup>

QIFVLS submits that the Commission should find that CPAs are presently under-resourced, underpowered and their role is underappreciated. The role of CPAs must be strengthened so that their advice carries formal weight and departures from that advice are visible, reasoned and reviewable.<sup>8</sup>

## 5. Pregnancy, pre-birth intervention and newborn removals

The August submission identified lack of support during pregnancy, poor pre-birth engagement and newborn removals as major concerns. The closed session evidence on Day 7 evidence confirmed the concerns in our August submission around lack of support during pregnancy, poor pre-birth engagement and newborn removals.

The Day 7 newborn case study exposed a pattern of delayed engagement, compressed hospital-based safety planning, and urgent resort to legal process/emergent order application at or around the time of birth. Most importantly, the Child Safety witness accepted that the better outcome would have been for the mother to be informed of the unborn notification, to be asked to consent to the process, and for an unborn support

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<sup>6</sup> Day 5, Porta, T2554; Day 10, Van Houdt, T3129

<sup>7</sup> Day 4, Porta, T2386 and 2465–2466

<sup>8</sup> Day 10, Van Houdt, T3117–3118



service case to be developed, which would have reduced the likelihood of removal at birth.<sup>9</sup>

From our standpoint, that concession demonstrated that the coercive pathway was not inevitable and that delay in supportive engagement by Child Safety contributed to the removal dynamic. QIFVLS submits that the Commission should find that current unborn and newborn practice does not reliably operate as genuine early intervention and that delay and late notice are contributing to avoidable coercive outcomes.

## 6. Structural decision-making tools

One of the most significant themes emerging from the FNQ-Brisbane hearings concerns bias in the decision-support architecture. The evidence established that the Structural Decision-making (SDM) tools were retired after concerns about racial bias and inequitable outcomes affecting Aboriginal and Torres Strait Islander families. On Day 8, the evidence recorded the conclusion of the Jenkins/Tilbury paper that the relevant assessment failed equity criteria by discriminating indirectly and by demonstrating less accuracy for Indigenous children. The witness confirmed that key SDM tools were removed in August 2022.<sup>10</sup>

More significantly, under Mr Creamer's questioning, Ms Van Houdt accepted that there had been no review of individual case files, no assessment of consequences, and no meaningful examination of the impact of bias over time. QIFVLS submits that this is recognition without repair.<sup>11</sup>

The Commission should find that the Department accepted or acted upon serious concerns about bias affecting Aboriginal and Torres Strait Islander families but failed to undertake any adequate retrospective review or remediation process.

## 7. Staffing instability and system scarcity

The August submission identified staffing instability, turnover and lack of continuity as major practical barriers. The hearing evidence expanded on our concerns. Ms Porta's evidence was that Far North Queensland had approximately 14 vacancies at the time, with a peak of nearly 40 out of a frontline complement of about 115 roles. That evidence presents a picture of a system under chronic pressure, not one capable of delivering consistent, timely and culturally safe practice at scale.<sup>12</sup>

## 8. Kinship care, family-based care and placement instability

The evidence strongly supported the proposition that kinship and family-based care are rhetorically preferred but practically obstructed. Barriers identified in evidence included

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<sup>9</sup> Day 3, Jones, T2317; Day 7, Ferguson, T2720

<sup>10</sup> Day 8, T2822–2823; Day 8, Van Houdt, T2826

<sup>11</sup> Day 10, Van Houdt, T3127

<sup>12</sup> Day 4, Porta, T2410



fear of the Department and government involvement, intrusive assessment pathways, practical support deficits and housing scarcity. The hearing evidence also supported the proposition that too many children remain in non-family-based care who should be in family-based care.<sup>13</sup>

QIFVLS submits that kinship care in practice is not failing because Aboriginal and Torres Strait Islander families lack willingness or care capacity in the abstract. It is failing because the State has not sufficiently built, funded and supported systems to make kinship care possible, safe and sustainable.

## 9. Residential care

Our August submission was clear in its concern about residential care, especially for younger children and children exposed to harmful co-tenancy environments. The hearing evidence strongly reinforced those concerns. Ms Porta accepted that residential placements for under-12s via unlicensed care providers occurred out of demand and need rather than because they are the best option for the child.<sup>14</sup>

QIFVLS submits that residential care is too often functioning as the system's failure option. This isn't because it is suitable, but because family-based care alternatives are unsupported, unavailable or not investigated. That concern is especially acute for Aboriginal and Torres Strait Islander children.

## 10. Child Protection Notification and Referral Scheme / Early legal advice

The August submission proposed an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme requiring early, warm referral to QIFVLS or another appropriate Aboriginal and Torres Strait Islander community-controlled legal or support service. The hearing evidence supports that proposal.

Ms Jones accepted that best practice was to encourage parents to seek legal advice and to provide available referral options including QIFVLS or ATSILS. Ms Porta agreed that such a referral or notification model would assist parents at the early stage. Under Mr Creamer's questioning, Ms Van Houdt agreed that legal advice "*very early on*" is important and did not identify any harm in informing families about QIFVLS, subject to consent.<sup>15</sup>

From our standpoint, this is one of the clearest and most practical reforms available to the Commission. It is consistent with fairness, participation, trauma-informed practice and culturally safe engagement. It has also been supported by multiple witnesses.

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<sup>13</sup> Day 10, Van Houdt, T3139–3140

<sup>14</sup> Day 6, Porta, T2609

<sup>15</sup> Day 1, Jones, T2098; Day 5, Porta, T2559; Day 10, Van Houdt, T3130–3131



## 11. The Child Protection Litigation model and court process

We won't dwell on the Child Protection Litigation model other than to highlight that Ms Porta accepted that the intended benefits of the current litigation model had not eventuated. She also accepted that removal of a child is a very heavy exercise of state power and agreed with the need for greater external oversight and public confidence in that decision-making.<sup>1617</sup>

QIFVLS submits that the Commission should find that the current litigation model remains too legalistic, too fragmented, and insufficiently culturally safe for Aboriginal and Torres Strait Islander families. Reform should include clearer role delineation, better transparency, and court material that separates fact, source, inference and opinion.

## 12. Leaving care support

Evidence from the hearing supported a stronger and more enforceable framework for leaving care. This included support extending to age 25. QIFVLS maintains its August submission concern that the current cliff edge at 21 is not sufficient, particularly for Aboriginal and Torres Strait Islander young people leaving care into housing insecurity, unresolved trauma and fractured support networks.<sup>18</sup>

## 13. Conclusion

We respectfully submit that the evidence heard by this Commission has vindicated the concerns raised in our August 2025 submission. Far from being speculative, these concerns have in significant part, been confirmed by the Department's own witnesses.

QIFVLS therefore respectfully urges the Commission to recommend structural reform that shifts power, improves accountability, strengthens Aboriginal and Torres Strait Islander authority, and aligns the child protection system with the obligations under the National Agreement on Closing the Gap.

If you would like to discuss our response further, please don't hesitate to contact me at [plo@qifvls.com.au](mailto:plo@qifvls.com.au).

Yours faithfully

**Queensland Indigenous Family Violence Legal Service**



**Executive Director Legal**

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<sup>16</sup> Day 4, Porta, T2410

<sup>17</sup> Day 4, Porta, T2411–2413

<sup>18</sup> Day 10, T3139