



1 December 2025

Commission Secretariat
Child Safety Commission of Inquiry
By Email: [REDACTED]

QIFVLS Submission – Director of Child Protection Litigation and Litigation Model

Dear Commission Secretariat,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to provide a submission in relation to the Director of Child Protection Litigation (DCPL) and the Child Protection Litigation (CPL) Model.

Our submission is made from the standpoint of an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) and Family Violence Prevention Legal Service, dedicated to ensuring that families and households are safe from violence.

In that regard, as a proud member of the national Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks) and the Queensland Aboriginal and Torres Strait Islander Coalition of community-controlled organisations (QATSIC), we are dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#) (the National Agreement), particularly Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) alongside the closely related Target 12 (reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 percent by 2031).

We are mindful that the Commission will hold a public hearing in Brisbane from **8 December 2025 to 12 December 2025** to hear evidence from OCFOS (Office of Child and Family Official Solicitor) and the DCPL regarding the Child Protection Litigation (CPL) model. Accordingly, our submission and the views expressed herein are provided on the basis that they may be further informed by evidence and information presented at that pending public hearing.

In my witness statement to this Inquiry dated 19 September 2025, I highlighted that I gave evidence to the Disability Royal Commission about my experience in dealing with the DCPL. I repeat that evidence here given its relevance to this Inquiry:

“My experience in dealing with the DCPL is that there is a lack of cultural understanding in the regional areas. The DCPL essentially operates as a fly-in-fly-out (FIFO) service for the courts. I have seen that there is often criticism that the DCPL does not have a visual appreciation of the issues that occur within the communities that families come from. This



stems from the fact that in Cape York communities for example, the DCPL, do not physically appear on circuit but appear by telephone link to the Court. An example of how this could develop the understanding would be to see how long it would take a client to travel to the nearest centre to access services, or even to attend court. In addition, it would highlight to DCPL, the lack of availability of on the ground services for a client to access support.

It is my belief that the DCPL also needs to undertake further and ongoing cultural competency training to address the specific cultural needs of Aboriginal and Torres Strait Islander families and children.”

Child protection proceedings represent our largest component of legal assistance and representation file work at QIFVLS. This is a sad reflection on the intersectional nature of family violence that our clients experience. In the circumstances, our submission is grounded in the experiences and observations of our solicitors and case management officers as they assist our clients to navigate the child protection system.

The CPL model urgently needs improvement to provide justice for Aboriginal and Torres Strait Islander children and families drawn into the child protection system. This is particularly so through ensuring that the system is culturally safe for our clients and their families.

We also believe that to genuinely enhance the CPL model, there must be a preparedness to invest smartly in the requisite recommendations and work in true partnerships (within the operational meaning of the National Partnership Agreement on Closing the Gap) with Aboriginal and Torres Strait Islander Community Controlled Organisations, among other stakeholder groups to ensure the model is fit for purpose and working for the benefit of children, families and the wider community.

Summary of Recommendations

- **Establish an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme** to provide warm referrals to QIFVLS and other ACCOs at first contact.
- **Co-design and pilot a specialist, therapeutic child protection court** that combines the cultural immersion of Dandjoo Bidi-Ak court (Western Australia) with the operational strengths of Marram-Ngala Ganbu court (Victoria), including round-table hearings, Aboriginal and Torres Strait Islander team presence, Family Engagement Officers (similar to Indigenous Family Liaison Officers in the FCFCOA supporting the Specialist Indigenous Lists) and docketing.
- **Strengthen OCFOS/DCPL/Child Safety interfaces** by locating DCPL lawyers regionally where possible, ensuring decision-making authority at conferences, and improving pre-trial case conferencing and negotiation.
- **Mandate early access to independent legal representation** for subject children and



parents, including opt-out referrals to the Office of Public Guardian (OPG) for children aged 10 and over.

- **Address after-hours and bedside removal practices** by reviewing timing, notification, hospital contexts and ensuring parents have access to legal advice before orders are finalised.
- **Improve timeliness and procedural fairness** through strict filing timeframes, court-ordered directions for Case Plan Affidavits, and faster delegated decision-making within Child Safety.
- **Prioritise kinship placements and Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP) compliance** by resourcing kinship identification and assessment pathways and removing barriers such as Blue Card delays.
- **Introduce independent oversight and reform Practice Panels** to ensure impartial review of expiring orders and assessments.
- **Invest in cultural capability and legal training** for Child Safety, DCPL and OCFOS, and fund ACCO-led cultural guidance and Elders' remuneration.
- **Commission independent evaluation** of any pilot court and system reforms to measure participation, timeliness, reunification outcomes and cultural safety.

Family violence as a cornerstone

We noted above that as a family violence prevention legal service, child protection matters represent the leading number of case files in our legal practice, amongst the areas of law in which we provide assistance —

- domestic and family violence.
- child protection.
- family law.
- Victim Assist Queensland (VAQ) compensation applications;
- minor assistance in blue card matters; and
- Cultural Recognition Orders pursuant to the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practices) 2020 (Qld) Act*

This accords with data collected by the Australian Institute of Health and Welfare (AIHW) to the effect that family violence was identified as the primary driver of children being placed into the child protection system, with 88% of First Nations children in care having experienced family violence.¹

Additionally, Queensland Government data has revealed that at least 60% of all Aboriginal and Torres Strait Islander children in youth detention have experienced or been impacted by

¹ Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>



domestic and family violence³

This sadly informs QIFVLS' experience that family violence is the cornerstone or intersection, which links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, adult criminal justice system, housing and/or homelessness, health and the family law system.

We find that these 'connectors' are further compounded or exacerbated for those living in regional, rural, and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim-survivor escaping a violent relationship⁴ (i.e., domestic violence support services and shelters; actual police presence within a community).

In contrast to siloed government responses which have long been the standard practice, QIFVLS consistently advocates for uniform, holistic, culturally safe and consistent strategies that will improve responses in the family violence, policing and criminal justice, child protection system, housing and corrective services. This approach aligns with achieving reductions in the Justice targets (Targets 10, 11, 12 and 13) of the National Agreement on Closing the Gap as well as meeting the overarching objectives of the four priority reform areas.

Cultural safety and capability

QIFVLS supports expanded cultural capability training for Child Safety, DCPL, OCFOS and judicial officers, consistent with Priority Reform 3 (Transforming mainstream institutions) under the National Agreement on Closing the Gap.

Acknowledging different cultural groups and country

The CPL model must recognise the diversity of Aboriginal and Torres Strait Islander communities in Queensland. QIFVLS provides community booklets with profiles, traditional custodians and Elders for the specific community we visit. Similar resources should inform Child Safety practice and local engagement.

Elevating the voices of Aboriginal and Torres Strait Islander children and families

We support greater delegated authority and involvement of ACCOs in child protection operations, expanded use of the Family Participation Program (FPP), and engagement of external cultural guidance (ACCOs, local justice groups and Elders) with appropriate remuneration.

Children's participation and representation

We believe that an often-overlooked factor is the appropriateness of questions asked of a child during information gathering and the person asking the questions. Children's answers are shaped by question framing and the interviewer. We support increased referrals to the Office of the Public Guardian (OPG)'s Child Advocate Legal Officers or Direct Representatives and recommend consideration of an opt-out automatic referral for subject children so their views are heard by an independent representative.



Role clarity for Cultural Practice Advisors

Our staff observe that Cultural Practice Advisors are often used to explain Child Safety practices to parents rather than to provide cultural guidance to Child Safety staff. This role confusion undermines cultural safety and places Cultural Practice Advisors in a position that duplicates legal explanation rather than informing Departmental practice. The role of Cultural Practice Advisors should be resourced and positioned to include advice to Departmental Child Safety staff on cultural context and the requisite appropriate engagement.

Pilot: specialist therapeutic child protection court

Queensland should trial a specialist, therapeutic child protection court that combines the cultural immersion and therapeutic practice of Western Australia's Dandjoo Bidi-Ak with the operational and case-management strengths of Victoria's Marram-Ngala Ganbu (MNG) Koori Family Hearing Days. A combined model would be well placed to reduce power imbalances, increase participation, improve continuity and strengthen case progression.

Dandjoo Bidi-Ak (Western Australia): cultural immersion and therapeutic practice

Dandjoo Bidi-Ak provides a culturally safe, therapeutic courtroom environment. Key features include:

- **Culturally designed space and welcome:** the courtroom is intentionally “full of colour and life” with Aboriginal art, books and cultural resources; each session begins with an Acknowledgement of Country and families are greeted by Family Engagement Officers or Aboriginal Liaison Officers.
- **Aboriginal team presence during hearings:** Aboriginal team members are present to provide cultural support, context and advocacy for families.
- **Seating and power balance:** everyone sits on the same level, including the magistrate, creating a yarning-circle dynamic that reduces formality and supports open dialogue.
- **Plain language and non-shaming practice:** magistrates and staff use plain language and a therapeutic, non-judgemental approach to encourage honest engagement.
- **Family engagement and navigation supports:** Family Engagement Officers assist families to navigate the process and link them to culturally appropriate services.
- **Evaluation and iterative design:** the pilot has been evaluated and refined to assess cultural safety, case outcomes and resource needs.

Marram-Ngala Ganbu (Victoria): practical case management and Koori supports

MNG demonstrates operational practices that improve participation and case progression:

- **Round table seating and introductions:** hearings are conducted around an oval/round table, so magistrates, family members and practitioners sit at the same level and introduce themselves, fostering a yarning-circle dynamic.
- **Dedicated Koori coordinators and support officers:** Koori Services Coordinators and Koori Family Support Officers prepare families, coordinate listings and provide warm referrals.



- **Docketing and continuity of judicial oversight:** docketed magistrates provide continuity, so families see the same magistrate across proceedings, building trust and case knowledge.
- **Cultural artefacts and acknowledgements:** cultural items and Acknowledgement of Country centre culture and the child in discussions.
- **Child Protection Practice Leadership:** an attached practice leader supports case progression and the interface between court and child protection agencies.

Combined model and implementation recommendations

We support a Queensland pilot that would:

- Be co-designed with ACCOs;
- fund Family Engagement Officers and Koori/Murri coordinators;
- trial round-table hearings and docketing in metropolitan and regional sites;
- embed Child Protection Practice Leaders;
- integrate warm referral pathways; and
- commission independent evaluation to measure participation, timeliness and reunification outcomes.

OCFOS and DCPL: operational interfaces and barriers

Effective, timely and culturally informed legal engagement is central to procedural fairness. Our frontline experience identifies systemic inconsistencies and operational barriers that undermine fair process and timely resolution.

- **Variable OCFOS engagement:** The interaction with OCFOS varies across offices and depends on local working relationships. In Cairns for example, where OCFOS are aware QIFVLS may be involved, they are prompt in advising us of applications. This responsiveness supports early legal engagement and better outcomes. In contrast however, experiences in Brisbane have been less consistent, with communication gaps that impede timely representation.
- **Different approaches to encouraging legal advice:** Our experience is that OCFOS more actively seeks to ensure parents obtain legal advice. Child Safety, by contrast, often prioritises expeditious resolution, which can be at odds with procedural fairness and meaningful access to legal advice. This divergence risks decisions being made without parents having had a realistic opportunity to obtain advice.
- **Geographic resourcing of DCPL:** A consistent barrier is that DCPL lawyers are not permanently based outside the south-east corner (Brisbane). This centralised model means DCPL lawyers can lack local knowledge of regional circumstances and community contexts, reducing the quality of engagement and the appropriateness of proposed orders.
- **File lawyers at conferences without decision-making authority:** DCPL's practice of sending File Lawyers to Court Ordered Conferences to litigate is problematic where those lawyers lack the designated delegated decision-making authority. This limits the capacity to resolve matters at conference and increases the likelihood of contested hearings. We would support consideration of the model used within the summary criminal callover lists



whereby a police prosecutor, with designated decision making-making authority is capable of resolving matters at the call over.

- **Insufficient case conferencing and pre-trial negotiation:** There is a lack of appropriate case conferencing and negotiation to resolve matters before trial. Many matters resolve on Day 1 of hearing. While outcomes may be positive for parents, the resources, funding, time delays and emotional toll on clients and staff have already been expended. Post-resolution delays then occur because case plans are not parallel-planned for alternate outcomes.
- **Delays in filing affidavit material:** Ongoing and significant delays in the preparation and filing of affidavit material are evident. Breakdowns in communication between DCPL and Child Safety contribute to late filings, which materially impact proceedings. Court orders requiring Child Safety Officers to attend and explain delays have not resolved the problem. Addressing these communication and workflow failures is essential to timeliness and fairness. A more robust case management framework must be used to ensure that proceedings are kept on track with minimal delays in the requisite filing of evidence.

The post-model change landscape shows reduced interaction between OCFOS and DCPL, with practical consequences:

- **Front-loading assistance but delayed affidavits:** OCFOS typically assists at the outset - completing referrals and supporting the Initiating Affidavit before forwarding to DCPL. However, we observe delays where the Application for a Child Protection Order and Form D Disclosure are filed early (often before expiry of a TCO, CAO or previous CPO) while the initiating affidavit is filed later. This sequencing can disadvantage parties seeking to contest interim orders.
- **Reduced ongoing collaboration:** Following the model change, there is less ongoing interaction between OCFOS and DCPL. Strengthening this interface is necessary to ensure consistent, timely and procedurally fair litigation.

Case study: lived experience of the model in practice

To illustrate the human impact of the operational and cultural issues described above, we have included one of the case studies featured in my statement to the Commission on 19 September 2025. This reflects recurring patterns in practice.

Case study — Lynne's story (de-identified)

We assisted a Respondent Mother, Lynne (not her real name) with a child protection matter. The Director of Child Protection Litigation (DCPL) had filed Applications seeking Long Term Guardianship Orders of Lynne's five children. All five children had been self-placing at home with Lynne and they had done so even prior to the Court ordered Short Term Custody Order expiring. This meant that even whilst the children were all self-placing at home, DCPL still went ahead and made an application seeking the most intrusive order for the children.



raised concerns related to domestic and family violence, substance misuse and parenting. Child Safety submitted that Lynne had not appropriately addressed the concerns during the period of the Short-Term Custody Order. However, of significant note, Lynne had been diagnosed with ovarian cancer during the Short-Term Custody Order which involved numerous medical appointments, a surgery and 9 months of recovering. Further to that, COVID-19 occurred during the period of the short-term custody order, and a number of services were closed meaning that even if Lynne was in a position to do so, she was unable to consistently engage with support services to address the Child Safety concerns.

Lynne instructed us that she recognised the children were in need of protection given what she was going through. However, rather than a long-term guardianship order for the children, Lynne would be agreeable to working with Child Safety on a Protective Supervision Order meaning that the children could remain in her care while Child Safety supervised.

A Social Assessment Report (SAR) was completed, and the recommendation of the SAR was that the children remain at home and a protective supervision order be made. This SAR also took into account the impact of Lynne's health following her cancer diagnosis and commented that having the children home will likely assist Lynne's health as removing them would mean added stress.

QIFVLS took the matter to two (2) Court Ordered Conferences and advised DCPL of Lynne's position. DCPL however, were not agreeable to amending their application and maintained their position of seeking Long Term Guardianship Orders irrespective, despite the recommendations made in the Social Assessment Report.

We obtained Legal Aid Funding to brief a Barrister to act as Lynne's Counsel at the Hearing. We worked with Lynne over a few weeks to prepare all her Affidavit material, including attaching support letters and certificates evidencing the services she was proactively working with and programs she had successfully completed to address the Child Safety concerns.

The matter then went to a Court ordered Review Mention where all parties confirmed that all their material had been filed and DCPL once again confirmed that their application remained Long Term Guardianship Orders.

The matter was then listed for a Final Hearing. On the Tuesday of the week of the Final Hearing, DCPL called our Office and advised that they would be amending their applications from Long Term Guardianship Orders to Protective Supervision Orders.

The day before the Final Hearing, DCPL filed their amended Applications now seeking a Protective Supervision Order. Although it was a long process and something that could have potentially resolved sooner had DCPL agreed with our position at the Court Ordered Conference stage, it was a good outcome for Lynne to finally reach an agreement and in the



terms that we were seeking. The children still remain with Lynne, whilst supervised by DOCs. This has allowed Lynne to continue to recover with the support and love of her children around her.

This outcome would not have been possible without the dedicated legal and non-legal support provided by QIFVLS.

There are several features of Lynne's story (above) that are not a 'one-off' but are representative of the repeated conducted we see as practitioners when engaging in the Child Protection Litigation Model at QIFVLS. It is not child-focused, it is not focused on the resolution of matters in a timely manner supporting not only the best interests of the child, nor does it operate in a manner that is trauma-informed and culturally safe.

QIFVLS engagement with Queensland's CPL model review

On 20 May 2024, QIFVLS was asked to provide a submission to inform the development of a permanent and contemporary model for child protection litigation. Prior to providing our submission, on 21 May 2024 QIFVLS received an email containing an initial high-level summary of a Nous Group independent review of the CPL model in 2022. Attached to this submission and marked "A" is a copy of the summary report.

On 7 June 2024, QIFVLS provided a formal submission in response to the development of a contemporary model for child protection litigation. Attached to this submission and marked "B" is a copy of the QIFVLS submission. We repeat and reiterate the calls made in that submission here in this current submission to the Commission of Inquiry into Child Safety.

Since June 2024, we have not received any further updates as to what, if anything, is happening, to progress reforms to the Child Protection Litigation model in Queensland.

After hours and birth-suite removals: procedural fairness

After hours removals and birth-suite removals raise acute procedural fairness and safety concerns:

- **Frequency and representation:** After hours removals are observed regularly, affecting both self-represented parents and those who have obtained legal advice. Where OCFOS and QIFVLS have established working relationships (for example, in Cairns), we are often contacted when retained. This mitigates harm. Where such relationships are absent, parents can be left without timely legal support.
- **Matters dealt with in Chambers:** We have been involved in matters where, despite legal representation and a parent's wish to be heard, the TAO application is dealt with in Chambers. This often results from Child Safety failing to notify OCFOS or the Court that a lawyer has been retained or that parents wish to be heard. The effect is to deny parents the fundamental right of procedural participation.
- **Early intervention changes trajectories:** Early legal intervention frequently changes the trajectory of Child Safety intervention. For example, contesting a CAO can result in a



non-custodial order, a Protective Supervision Order (PSO) application, or voluntary interventions such as an Intervention with Parental Agreement (IPA) or Safety Plan. Child Safety Officers should be encouraged to promote early legal advice and early resolution of matters. We state that the current practice of providing a covering letter with contact details for QIFVLS, ATSILS and LAQ is insufficient for vulnerable and highly distressed parents without an active, supported warm referral.

- **Birth-suite removals and hospital contexts:** Newborn bedside removals commonly occur while mother and baby remain admitted to hospital. There is often inadequate consideration of the mother's hospital admission circumstances. We note that immediate orders following birth can force hospitals to move mother or baby to prevent unauthorised contact. Orders should be considered at discharge where appropriate, to reduce trauma and disruption.
- **Timing of section 18 removals:** Section 18 removals frequently occur in the afternoon, causing the eight-hour window to expire after business hours. The consequence is that applications for TAO or TCO are often heard on the papers without a parent being heard, particularly where representation is not immediately available. This practice undermines procedural fairness and should be reviewed.

Statutory compliance and placement practice

We note that systemic delays and placement practice raise statutory compliance and child welfare concerns:

- **Delays in service:** While attempts are made to comply with service obligations, there are significant delays by DCPL and Child Safety in serving parents. These delays impact court timetables and can prejudice parents, particularly where Child Safety cannot locate a parent promptly.
- **Placement principles and sibling separation:** There is a worrying lack of adherence to the placement principles in section 5C(c) of the Child Protection Act 1999. We observe an alarming number of children placed in residential care and a concerning frequency of sibling groups being separated across placements. This practice runs counter to the Aboriginal and Torres Strait Islander Child Placement Principle and the best interests of children.

Practice model weaknesses

Our practice observations identify structural and procedural weaknesses that compound delay and reduce fairness for families:

- **Insufficient legal consultation with Child Safety:** Child Safety officers are not sufficiently or regularly advised by DCPL. While Child Safety Officers are not lawyers, higher interaction between operational staff and legal advisors is necessary to ensure decisions and affidavits reflect legal standards and procedural fairness.
- **Practice Panels lack independence:** Child Safety's Practice Panels, used for expiring orders or changes in assessment, are attended by departmental staff and a "critical friend" (often QATSICPP). Our view is that the current composition does not provide enough of an



impartial or independent review of facts. Consideration should be given to independent membership or external oversight to strengthen objectivity.

- **Recording parental views in affidavits:** We frequently observe initiating affidavits that record parental views obtained immediately after informing parents of proposed applications, without context or opportunity to obtain independent legal advice. Affidavits sometimes include statements that Child Safety explained its assessment (for example, seeking Long Term Guardianship) and then record the parent's immediate reaction. This practice risks capturing uninformed responses and undermines procedural fairness.
- **Opaque sourcing of family information:** There have been instances where Child Safety records parental views obtained from family members on departmental databases and then refuses to disclose the origin of that information when challenged. Transparency about information sources is essential for fair and just process.
- **Insufficient kinship identification and assessment speed:** There are inadequate attempts to identify kin carers early. When kin are identified, the assessment process is lengthy and creates further delays. Strengthening and resourcing kinship assessment pathways is critical to honouring placement principles and reducing unnecessary residential care placements.
- **Foster carer training gaps:** From our observation, there is a lack of training for foster carers on appropriate boundaries, communication and cultural competency. Investing in culturally informed foster carer training would improve placement stability and cultural safety for children.

Improve timeliness and case management

To prioritise timeliness and fairness we recommend:

- Faster delegated decision-making at Family Group Meetings, Care Team Meetings and Investigation and Assessment Meetings.
- Improved kinship assessment processes and resourcing.
- Court-ordered directions to file Case Plan Affidavits within strict timeframes.
- Consideration of legislating the reunification process to provide clearer review and case management.
- Practice Panels convened with six months remaining on a Final Order to assess whether further orders will be sought and to avoid unnecessary work where reunification is unlikely.

Make the system navigable and accessible

The system should be made fit for purpose by:

- Using plain English and simple terminology.
- Providing interpreters and culturally appropriate communication supports.
- Using diagrams (for example, Blurred Borders resources).
- Avoiding long, repetitive meetings and ensuring each meeting has a clear purpose and outcome.



Oversight, evaluation and accountability

We recommend:

- Enable the Office of the Aboriginal and Torres Strait Islander Children’s Commissioner (OATSICC) within the Queensland Family and Child Commission to have oversight of the CPL model.
- Giving higher consideration to the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) and removing barriers (for example, Blue Card processes) that impede kin placements.
- Strengthening interaction with ACCOs and embedding independent oversight of Practice Panels and key decision points.
- Reviewing the interaction between Child Safety, OCFOS and DCPL to address late filing, delays, non-compliance with orders and miscommunication.

Early access to legal representation

We reiterate support for an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme (akin to the Custody Notification Service) to provide warm referrals to QIFVLS or other ACCOs at the earliest point of contact with the child protection system. We note that Child Safety officials, Ms Corinne Porta, Regional Director FNQ and Ms Victoria Van Houdt, Acting Chief Practitioner, both gave qualified support within their evidence to the Commission of Inquiry for a child protection notification referral scheme where matters regarding consent were addressed. Early legal advice changes trajectories, reduces unnecessary removals and supports culturally appropriate, family-centred responses.

Conclusion

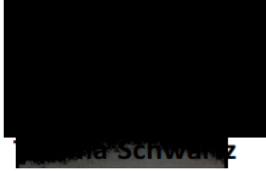
We take this opportunity to thank you for considering our feedback. Our recommendations are grounded in frontline practice and informed by the lived experience of Aboriginal and Torres Strait Islander families. We urge the Departments to partner with ACCOs, invest in culturally safe services and training, strengthen legal interfaces and consider trialling a Queensland-conducive specialist, therapeutic court pilot that combines the best elements of Dandjoo Bidi-Ak (Western Australia) and Marram-Ngala Ganbu (Victoria). We trust that you appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don’t hesitate to contact me at plo@qifvls.com.au.



Yours faithfully

Queensland Indigenous Family Violence Legal Service



Executive Director Legal

Nous Review – Child Protection Litigation model – Summary report

Executive summary

The Child Protection Litigation model (CPL model) was designed to address some of the findings of the Queensland Child Protection Commission of Inquiry (QCPCI) outlined in the report *Taking Responsibility: A Roadmap for Queensland Child Protection* (QCPCI Report).

The package of reforms recommended by the Report were intended to:

- Reduce the number of children and young people in the child protection system (by 25 per cent over a decade) by for example, diverting families away from the statutory system to services.
- Revitalise child protection frontline services and family support, breaking the intergenerational cycle of abuse and neglect.
- Refocus oversight on learning, improving and taking responsibility.

Five years into its introduction Nous Group (Nous) was engaged to conduct an independent review of the CPL model (the Review) which included wide stakeholder engagement, analysis of performance data and assessment of approaches in other jurisdictions.

Through the Review, Nous provided reports intended for Queensland Government use only including an insights paper detailing the feedback provided through stakeholder engagements and an interim report which put forward options for improvement, and a final report (in draft). This revised final report includes additional information and addresses factual errors identified in the earlier draft version.

Overview of findings

The 2022 Review found the CPL model was implemented with an emphasis on strengthening the standard of evidence without adequate consideration to other aspects of the legal system envisioned by the QCPCI Report, including better support for parents and young people and an increase in the specialisation of the jurisdiction to better serve the needs of children and families.

Since the CPL model was established in 2016 the number of concern reports has risen from approximately 75,000 to over 102,639 in 2020. This trend appears to be consistent with the national experience and reflects an increase in the complexity of matters. This means the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA), now renamed the Department of Child Safety, Seniors and Disability Services (DCSSDS), was dealing with an increased number of complex matters with increased demand for both social support and legal services.

The increased demand was identified as a major factor impacting departmental officers' workload, resulting in delays to early processes including investigation into concerns, family group meetings, case planning and most significantly, reducing capacity for family case management.

The CPL model has seen a \$20 million investment to cover the work of the Office of the Child and Family Official Solicitor (OCFOS) and the Director for Child Protection Litigation (DCPL), who are retained to provide legal services to DCSSDS and the State, and to support the litigation of child protection matters. This direct investment in legal services has contributed to building the specialisation in child protection law that is considered an essential element of an effective, transparent, and accountable litigation model in child protection (both nationally and internationally).

At the time of the Review, the CPL model had been in operation for five years, viewed as being relatively early in the implementation of such an important and complex arrangement in the child protection system.

At the time, the Review identified concerns and opportunities to improve the model. These include:

1. Litigation activities being delivered in a more transparent and accountable way, with an improvement in the standard and presentation of evidence, with an opportunity to further refine the evidence presented to the court, to make better use of case assessments and to reduce the workload on Child Safety Officers.
2. The model was supporting preliminary improvements to increase the participation of children, young people and families in court proceedings. However, there was an opportunity to improve the level of representation and supports available, and to enable mechanisms for earlier participation (i.e., from the case planning stage).
3. The time taken to resolve matters increasing significantly since the implementation of the CPL model. While this was attributable to a range of factors, including external factors (such as the COVID-19 pandemic), an opportunity to reduce delays was identified, by for example, addressing delays to important inputs (such as Family Group Meetings and case planning) and introducing alternative dispute resolution stages.

Overall, the model was found to support high, and increased, demand for child protection litigation since it was implemented. The stakeholders interviewed for the Review reported that the CPL model has generally improved accountability for decisions to apply for Child Protection Orders, but efforts were required to re-orient the model to be more responsive, and family-centric approach to improve outcomes for children, young people and families.

REVIEW INSIGHTS ON A PAGE

The Child Protection Litigation model is intended to **improve outcomes for children and families** in the litigation system, while providing greater **accountability and oversight** for applications for child protection orders

...through a model that is fit for purpose	OVERARCHING GOALS		RESPONSIVENESS AND OVERSIGHT			PARTICIPATION AND COURT OUTCOMES			TIMELINESS OF COURT DECISIONS	
	CHILD AND FAMILY CENTERED	COST EFFECTIVE AND SUSTAINABLE	ACCOUNTABLE	EVIDENCE BASED	EFFECTIVE	TRANSPARENT AND FAIR	ACCESSIBLE	COLLABORATIVE	TIMELY	PROPORTIONATE
It should leverage its strengths...	Stakeholders are working toward the fundamental purpose of the child protection system – the long term wellbeing of children and young people . The model is efficient and sustainable		An improved standard of evidence and increased integrity, expertise and oversight of child protection litigation resulting in improved pre-court decision-making, and increased accountability and level of confidence in the orders sought .			Legal services are utilised efficiently and present in the regions , fostering productive relationships and understanding of the operational realities of Child Safety practice. Family group meetings and conferences provide avenues for families’ voices to be heard . Opportunities for early, family-led decision making are optimised .			Matters are resolved in a timely way to minimise the risk of re-traumatising the child or further fracturing the family unit. Parents and families are able to effectively engage in the process.	
And address areas for improvement...	Re-focus the emphasis of the model on family-centric outcomes . Ensure legal stakeholders have specialised knowledge in the jurisdiction. Increase the efficiency of the model.		Ensure that evidence-gathering does not overshadow the social framework and is proportionate to the stage of litigation and the type and complexity of the matter. Provide resources and support in the preparation of affidavits. Emphasise family-based responses, alternative dispute resolution and therapeutic outcomes .			Address concerns about procedural fairness for parents and reduce complexity of processes . Provide greater support to help families understand and navigate the model . Increase the cultural capability of the model and ensure it encourages collaborative decision-making and early resolution .			Place a stronger emphasis on timely resolution , acknowledging the impacts of delays on children and families. Ensure that differential pathways are given adequate consideration and the model is responsive to change to enable early resolution .	

Key insights from stakeholders consulted



All aspects should be aware that they are dealing with a child, and the procedure is not a goal in itself. The process is there to achieve their best interests, it's not a goal.

- *Magistrate of the Children's Court*



Families need more support, particularly in terms of representation. Early advice, in a way they can understand, to know what they need to do to get their child back.

- *Judge of the Children's Court*



They [CSOs] can be really busy and overlook certain things. We can test the evidence and push them. We can't rely on hearsay. We are not saying their assessment is wrong but rather, stacking the best evidence to ensure we have a case that we can win. Its rare these days that we make decisions that CSOs don't agree with – it's more in the spirit of a consult and usually by the end of it, we're on the same page.

- *DCPL stakeholder*



Co-location is so important for the OCFOS lawyers, it's difficult to balance the legal perspective and the social work perspective - being able to speak one another's language, understand the challenges.

- *OCFOS stakeholder*



Sometimes it feels the system is too legalistic. These parents are so disadvantaged and often have no idea why their children are being taken away.

- *Magistrate of the Children's Court*



There's a power imbalance, set up for failure. Dealing with mental illness, homelessness, DFV, Centrelink and legal process at the same time.

- *Parent*

“

A lot of DCPL lawyers come from the DPP. Their views/practices and experience are not aligned with this model. They often reverse the onus for the parent to prove that the parent is good enough. It's actually for the DCPL to prove that they are unable or unwilling to parent. The parents are often unrepresented and have to put in an affidavit that proves they can parent their child.

- *Legal stakeholder*

“

If I was more educated by the legal side of things, I would've made a different decision. Wish I had better information about the law.

- *Parent*

“

Once lawyers walk away and relationship has deteriorated, we're left to pick up the pieces.

- *Child Safety Officer*

“

The workload of legal work has greatly impacted the CSOs. It's given as a main reason for exit interviews - writing affidavits, collecting forensic evidence against parents. It feels that we have lost the intent of what we are supposed to be doing, which is to work with families to keep children safe. The system is focused on the court process as a mechanism to keep children safe. But it is actually very damaging and disruptive along the way.

- *DCYJMA stakeholder*



7 June 2024

Ms Deidre Mulkerin
Director-General
Department of Child Safety, Seniors and Disability Services

Ms Jasmina Joldic
Director-General
Department of Justice and Attorney-General

By Email: [REDACTED]

QIFVLS Submission – Queensland Child Protection Litigation Model

Dear Directors-General,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to write in relation to the Queensland Child Protection Litigation (CPL) Model.

Our submission is made from the standpoint of an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) and Family Violence Prevention Legal Service, dedicated to ensuring that families and households are safe from violence.

In that regard, as a proud member of the national Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks) and the Queensland Aboriginal and Torres Strait Islander Coalition of community-controlled organisations (QATSIC), we are dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#) (the National Agreement), particularly Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) alongside the closely related Target 12 (reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 percent by 2031).

Child protection proceedings represent our largest component of legal assistance and representation file work. This is a sad reflection on the intersectional nature of family violence that our clients experience. In the circumstances, our feedback relies on the experiences and observations of our solicitors and case management officers as they assist our clients to navigate the child protection system.

The underlying tone of our submission is that there is room for improvement to make the CPL model fit for purpose from the standpoint of Aboriginal and Torres Strait Islander children and families drawn into the child protection system. This is particularly so through ensuring that the system is culturally safe for our clients and their families.



In light of the 2024 Australian Productivity Commission's *Review of the National Agreement on Closing the Gap* (the National Agreement.¹), we believe the CPL model can be enhanced in a manner that demonstrates fidelity to the priority reforms under the National Agreement.

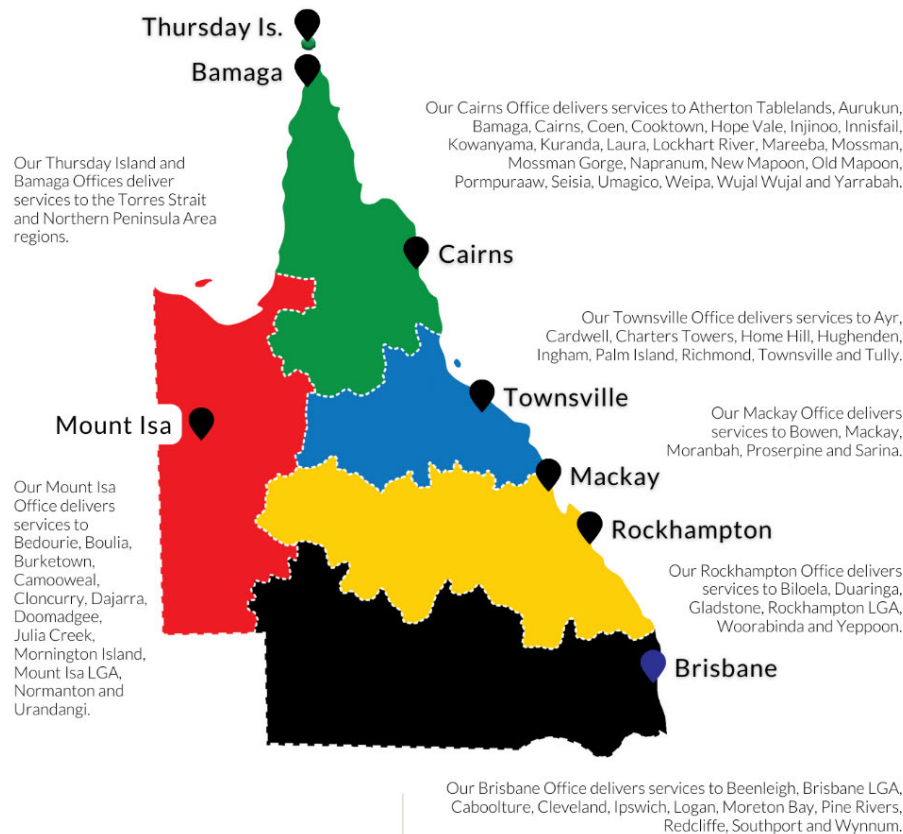
We also observe that if there is a genuine will to enhance the CPL model, there will need to be a preparedness to invest smartly in the requisite recommendations and work in partnerships with Aboriginal and Torres Strait Islander Community Controlled Organisations, among other stakeholder groups to ensure the model is fit for purpose and working for the benefit of children, families and the wider community.

About QIFVLS

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault.

QIFVLS is primarily an outreach service. As can be seen from the map below, we operate out of eight offices across Queensland, delivering services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Our services extend from domestic and family violence to family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications.

¹ Australian Productivity Commission (2024), *Review of the National Agreement on Closing the Gap*, page 79



Family violence as a cornerstone

We noted above on page 1 that as a family violence prevention legal service, child protection matters represent the leading number of case files in our legal practice, amongst the areas of law in which we provide assistance —

- domestic and family violence.
- child protection.
- family law.
- Victim Assist Queensland (VAQ) compensation applications; and
- minor assistance in blue card matters.

This accords with data collected by the Australian Institute of Health and Welfare (AIHW) to the effect that family violence was identified as the primary driver of children being placed into the child protection system, with 88% of First Nations children in care having experienced family violence².

² Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>



Additionally, Queensland Government data has revealed that at least 60% of all Aboriginal and Torres Strait Islander children in youth detention have experienced or been impacted by domestic and family violence³

This sadly informs QIFVLS' experience that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, adult criminal justice system, housing and/or homelessness, health and the family law system.

We find that these 'connectors' are further compounded or exacerbated for those living in regional, rural, and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim-survivor escaping a violent relationship⁴ (i.e., domestic violence support services and shelters; actual police presence within a community).

In contrast to siloed government responses which have long been the standard practice, QIFVLS consistently advocates for uniform, holistic, culturally safe and consistent strategies that will improve responses in the family violence, policing and criminal justice, child protection system, housing and corrective services. This approach aligns with achieving reductions in the Justice targets (Targets 10, 11, 12 and 13) of the National Agreement on Closing the Gap as well as meeting the overarching objectives of the 4 priority reform areas.

Our responses to questions in the Stakeholder submission guide

How can we ensure the CPL model properly supports children and enables their views to be heard by all stakeholders?

We suggest that care should be taken to consider:

- the appropriateness of the questions asked during information gathering; and
- the person asking the questions.

For example, it is not uncommon that a child will say they want to keep living in the foster care home because the house has a swimming pool or an Xbox. These responses are often due to how the questions are phrased to the children.

We also support an increase in referrals to the Office of the Public Guardian (OPG)'s Child Advocate or Direct Representatives. Consideration should be given to a policy that mandates a child being afforded the opportunity to provide their views/be heard. For example, for each subject child 10 years or older, Child Safety must explain to the child of their option to be represented.

Alternatively, in taking a child rights approach, the CPL may be enhanced through a process of making an automatic referral to the OPG, via an opt-out model, for the child's wishes and views to be heard.

³ <https://www.cyjma.qld.gov.au/resources/dcsyw/youth-justice/reform/youth-justice-report.pdf>

⁴ Australian Institute of Health and Welfare (2016-17), *Alcohol and other drug use in regional; and remote Australia: consumption, harms, and access to treatment 2016-17*. Cat.no. HSE 212. Canberra.



How can we ensure all aspects of the CPL model are culturally safe and responsive?

QIFVLS supports more extensive cultural capability training for Child Safety, DCPL, OCFOS and judicial officers. This is consistent with Priority Reform 3 (Transforming mainstream institutions) under the National Agreement on Closing the Gap.

Cultural Practice Advisors within Child Safety

In our staff's observations, the Cultural Practice Advisors employed by Child Safety routinely attend Meetings to explain Child Safety practices, models or decisions to a parent under the guise they are ensuring the parent understands. This is in contrast to providing cultural support, explanation or guidance to Child Safety staff about the family's culture.

This paradigm is conflicting and concerning for two reasons:

- a. The solicitor's role when representing a parent is to explain the decision making, practices and legislation of Child Safety.
- b. It is not necessary for a Cultural Practice Advisor to explain the cultural reasoning to a First Nations parent, rather provide cultural information to Child Safety.

Acknowledging different cultural groups and country

We raise this matter predominantly in relation to acknowledging the diversity in Aboriginal and Torres Strait Islander communities. In meetings attended by our staff, there will always be reference to cultural aspects or considerations, but we feel there could be a greater depth to this and in theory, actual practice of the considerations.

By way of example, QIFVLS provides staff with a community booklet which includes community profiles of the communities we service. This includes information about the community, the traditional custodians, elders and contacts.

How can the model elevate the voices of Aboriginal and Torres Strait Islander children and families?

Similarly to the above question, a start could be made by acknowledging the many diverse cultural groups and practices among Aboriginal and Torres Strait Islander communities in Queensland. This includes community members from Northern New South Wales and the Northern Territory, residing in Queensland.

In line with the *Breaking Cycles Action Plan 2023-2025*⁵, we support further moves to solidify delegated authority and greater involvement of Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs) in the operation of the child protection system.

We would also support efforts to greater utilize the Family Participation Program (FPP) where Child Safety is working with Aboriginal and Torres Strait Islander children and families.

⁵ <https://www.dcssds.qld.gov.au/resources/dcsyw/aboriginal-torres-strait-islander-families/supporting-families/breaking-cycles-action-plan-2023-25.pdf>



Cultural guidance

To support the work of the Cultural Practice Advisors within Child Safety, we suggest involving external cultural guidance – for example through the engagement of ACCOs, local justice groups and Elders. We would support this on the basis that the external specialists are remunerated adequately, particularly our Elders.

Independent Entity

QIFVLS believes the CPL model should reconsider the current Independent Entity structure. The current structure requires Child Safety to approve a Respondent Mother or Father's nominated independent person. From our perspective, this has a gatekeeping effect and stifles autonomy and decision-making. Perhaps a reconsidered model could involve the Queensland First Family and Children (QFCC) Board, by way of example, in a delegated role when contemplating the Independent Entity.

Family Led Decision-Making

QIFVLS also advocates for an increase in the explanation of the differences between a departmentally convened Family Group Meeting in contrast to a Family Led Decision Making Meeting convened by a First Nations Organisation.

A specialist child protection court providing a culturally safe space

We suggest that Queensland's CPL model could follow the example set by Western Australia in establishing a specialist, therapeutic child protection court that aims to provide a culturally safe space for Aboriginal and Torres Strait Islander children and families.

[Dandjoo Bidi-Ak](#) is a court of the Children's Court of Western Australia that provides a culturally safe and respectful environment to empower and support Aboriginal families in child protection matters.⁶

“Full of colour and life, the Dandjoo Bidi-Ak court is not your typical court room. The team strives to create an inclusive and welcoming space. This is done by using Aboriginal art, books and other resources.

Dandjoo Bidi-Ak's Aboriginal team members are present during court hearings.

A Family Engagement Officer and/or Aboriginal Liaison Officer greets parents and carers. Each session begins with an Acknowledgement of Country.

Everyone sits on the same level in the room. So that it feels like sitting around a table together, including the magistrate. This ensures that the power imbalances are not felt within the court.

Effective communication is a key factor in the court.

Families have a safe space to open up and be honest about their situations.”

For such a system to be trialled in Queensland, we suggest the involvement of Aboriginal and Torres Strait Islander community-controlled organisations and communities in the co-design and

⁶ https://childrenscourt.wa.gov.au/D/dandjoo_bidi_ak.aspx



development of a Pilot. We believe there is merit in exploring a holistic and culturally safe process in a less formal and intimidating environment.

How can we ensure the model is sufficiently accessible, adaptable and flexible to support the needs of different sections of the community?

In line with our observations above, we support more extensive cultural capability training for Child Safety, DCPL and OCFOS from external ACCO and Aboriginal and Torres Strait Islander - specialists. From our staff's observations and interactions, we see room for improvement.

We also suggest that there is scope for Child Safety to complete faster referrals and engagement with support services. We understand that for this to be effected, greater financial support and investment is required for Child Safety.

How can we ensure all persons in the jurisdiction have specialised knowledge and expertise of child protection principles, practice and legislation appropriate to their role?

This could occur through a combination of internal and external training regarding child protection principles, practice and legislation.

In particular, we highlight that whilst cultural capability training is crucial from our point of view, it is equally the case that consideration ought to be given to Child Safety staff receiving basic legal training. An example of this would be in training for appropriate Affidavit drafting.

We are aware that initiating affidavits are reviewed by OCFOS before being sent to DCPL who review them again. Our experience however is that the reviews are not comprehensive – there are frequent errors and references to Child Safety's views/position as opposed to the position of DCPL as the Applicant for instance.

How can we enable families to have early access to legal representation?

A Child Protection Notification and Referral Scheme

QIFVLS, as a member of the National Family Violence Prevention Legal Services (NFVPLS) Forum repeats and adopts the submissions first made by our sister FVPLS, Djirra (Victoria), in relation to the creation of a child protection notification and referral scheme⁷, namely:

- To avoid or minimise the escalation of child protection matters and keep Aboriginal and Torres Strait Islander children in Queensland safe and strong in their families, communities and culture, an Aboriginal and Torres Strait Islander and Child Protection Notification and Referral Scheme (similar to the existing Custody Notification Service) should be established. This would require child protection workers to provide warm referrals to QIFVLS or another Aboriginal and Torres Strait Islander community

⁷ Djirra's Submission to the Parliamentary Inquiry into Family, Domestic and Sexual Violence, July 2020, p.15



controlled organisation with relevant expertise for all Aboriginal and Torres Strait Islander parents and carers in contact with the child protection system to independent, culturally safe, specialist and preventative legal advice and ongoing culturally safe wraparound support at the earliest possible opportunity, especially where family violence is a factor in potential child removal. The referrals should be made at the earliest possible stage, as soon as the family comes to the attention of the child protection system.

- Many Aboriginal and Torres Strait Islander mothers have a realistic fear that disclosing and seeking help for family violence will lead to their children being forcibly taken from their care. This is a common thread, not only with QIFVLS clients, but also with the communities that QIFVLS provides services to in rural and remote Queensland. This fear is quite real when one examines the findings of the Australian Institute of Health and Welfare, Child Protection in Australia, 2017-18 Report which found that:
 - Indigenous children were 8 times more likely as non-indigenous children to have received child protection services.
 - Children from very remote areas were 4 times more likely as those from Major cities to be the subject of a child protection substantiation.

The system would provide a nationally consistent mandatory notification and referral system (akin to the Custody Notification System) to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, including independent legal advice, at the earliest possible opportunity. Note: An effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to, and cannot be successful independent of other recommendations, particularly our recommendations.

We call for the establishment and implementation in Queensland of an Aboriginal and Torres Strait Islander child protection notification and referral system. We believe this scheme would harmonize with the recent announcement of the Commonwealth's commitment to establishing a National Aboriginal and Torres Strait Islander Commissioner⁸.

We further note that other jurisdictions are exploring the concept of a child protection notification and early referral scheme:

- i. The Northern Territory: In September 2023 the North Australian Aboriginal Family Legal Service (NAAFLS), a family violence legal service provider in the NT, obtained a 2 year grant funding from the Paul Ramsey Foundation to develop the Northern Territory Aboriginal Child Protection Notification and Referral Program. The Northern Territory Department of Territory Families, Housing and Communities has provided written in principle support to work with NAAFLS to develop the program;

⁸ <https://humanrights.gov.au/about/news/media-releases/ahrc-welcomes-announcement-national-aboriginal-and-torres-strait-islander>



- ii. Victoria: The Yoorook for Justice Report September 2023, made a recommendation supporting the mandatory referral scheme :

Child removal

12. Whenever:

- a) the Department of Families, Fairness and Housing receives a pre-birth report regarding a pregnant Aboriginal woman, or
 - b) a child protection report is substantiated regarding an Aboriginal child,
- then:
- c) subject to the consent of the person to whom the report relates, the Department **must** automatically notify a Victorian Aboriginal legal service provider to be funded by the Victorian Government so that the child's parents and/or primary care giver are offered legal help and, where appropriate non-legal advocacy.

How to maximise opportunities for early collaborative decision-making between parents and Child Safety in the first instance

QIFVLS believes that Child Safety should engage in collaborative discussions with parents (and their families) regarding Child Safety's position and consider the information before making a final decision or determination. For example, our experiences, alongside the information from our clients is that Child Safety Officers would regularly attend a home with a predetermined decision to remove a child before speaking to the parents about alternate options such as Safety Plans etc.

We would support greater interaction with Cultural Practice Advisors. Importantly, as we noted above on page 5, Child Safety should utilise Cultural Practice Advisors for the purpose of providing cultural reasoning to Child Safety Officers and other Child Safety staff.

QIFVLS is also of the view that Decision Makers within Child Safety (Team Leaders, Regional Managers) need to engage more in meetings with families. In addition, we see benefits in consideration being given to an OCFO representative attending the final Investigation and Assessment meeting.

How can we ensure the CPL model prioritises the timely resolution of matters?

We believe the model could prioritise the timely resolution of matters through the following:

- Faster approval and decision-making from those with delegation (Team Leaders/Regional Managers) at Family Group Meetings, Care Team Meetings, Investigation and Assessment Meetings.
- Improved process for Kinship Assessments.
- An inclusion for a court ordered direction to file a Case Plan Affidavit.
- In relation to reunification, consideration to legislating the reunification process. Currently the model is solely coordinated by Child Safety. There is no set review management or case management.



- Practice Panels should be held / convened with six (6) months remaining on a Final Order. If it is assessed that a further order will be sought, any work to progress reunification is ceased. We acknowledge this is challenging as reunification can occur at any point until the order expires.

How can we ensure the CPL system is simple to navigate and understand for all participants?

We believe the system should be made fit for purpose via the following means:

- Use of plain English and simple terminology.
- Use of interpreters.
- Use of diagrams, similar to the Blurred Borders resources.
- Avoiding long, drawn out meetings that are repetitive in nature.

What checks and balances/oversight mechanisms should be included in the CPL model to ensure that it reflects best practice and ensure that statutory decisions are made in, and centred on the best interests of the child?

We make the following suggestions:

- The review of the CPL model supports the establishment of a dedicated Aboriginal and Torres Strait Islander Commissioner for Children and Young People. This Commissioner would then have an oversight role within the CPL.
- Higher consideration should be given to the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), particularly in relation to placing children with kinship carers. We note that the SNAICC's *Family Matters Report 2023* noted that although the ATSICPP has been legislated in Queensland towards active efforts, quality implementation has been slow⁹. This is supported on the ground by our staff who have observed that it is rarer to see a child in kinship placement than in general foster care. This runs counter to the ATSICPP. We have also observed that when kinship placements are potentially identified, strict requirements regarding Blue Cards create further barriers.
- Greater interaction with Aboriginal and Torres Strait Islander Community Controlled Organisations.
- The interaction between Child Safety, OCFOS and DCPL is reviewed with a view to enhancing their coordinated effectiveness. Our staff have observed a range of issues including—
 - late filing of material.
 - delays in proceedings due to Child Safety.
 - Child Safety not following court orders.
 - miscommunication between Child Safety, OCFOS and DCPL observed by our staff.

⁹ <https://www.snaicc.org.au/wp-content/uploads/2023/11/Family-Matters-Report-2023.pdf> page 14



Conclusion

We take this opportunity to thank you for considering our feedback. We trust that you appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

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

Yours faithfully

Queensland Indigenous Family Violence Legal Service



Principal Legal Officer