



Duncan's story

Disclaimer: This is the story of a person who shared their personal experience with the Commission of Inquiry through a submission or interview. The names in this story are pseudonyms and identifying details have been removed. The person who shared this experience may not have been a witness and their account is not evidence. They did not take an oath or affirmation before providing the story.

Nothing in this story constitutes a finding of fact by the Commission of Inquiry. Instead, these stories have been published to show how people are experiencing the current child safety system in Queensland. Any views expressed are those of the person who shared their experience, not of the Commission of Inquiry.

Content warning: Some material may be distressing. These statements may include references to violence, abuse, neglect, exploitation, suicide, or self-harming behaviours, and may contain strong or confronting language. Some narratives may be about First Nations people who have passed away. Readers are encouraged to engage with this material in a way that supports their wellbeing.

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My submissions highlighted various serious issues regarding the capture of my son into the Child Safety system, and the role and impact of the involvement of DCPL and the Magistrates in perpetuating injustices.

Within the terms of reference for the Child Safety Inquiry, I now wish to particularly expand on certain aspects, these being:

- how the child safety system works for everyone involved, including Aboriginal and Torres Strait Islander children, their families and communities;
- how children, families and carers in the system are treated; and
- how one can complain about problems with the system.

I want to highlight the concerns about **ex parte hearings**.

- Child Safety and DCPL are complicit with the Magistrates in not informing parents of court hearings.
- The reliance on *ex parte* hearings seems to be the normal *modus operandi* for Care Orders, Temporary Assessment Orders, Court Assessment Orders and such for Aboriginal children, as parents are purposely left out of the initial mentions before the Magistrate.
- After making a formal complaint to the Chief Magistrate, Judge Janelle Brassington wrote that the *Child Protection Act 1999* permits temporary assessment orders to be determined without notifying parents. As such, my complaint - about not being made aware of the court mentions – was “*not substantiated*”. Just because the legislation allows for parents to not be informed does not make it right to just ignore the rights of parents!
- The *ex parte* hearings are best described as a cut of judicial gratuity whereby only Child Safety evidence is allowed. Magistrates then determine the freedom, destiny and direction of Aboriginal children through a convoluted and corrupted legal system, with no possible way out of the maze.
- This is a State Government legal system specifically structured to hold Aboriginal children in custody to justify feeding a multi-billion-dollar child protection industry.

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- Aboriginal and Torres Strait Islander parents are unlikely to know their rights, as scant written information is provided by Child Safety staff, who are intent on removing children, not informing parents and not allowing or providing legal due process.
- Legal representation by Legal Aid can best be described as *ad-hoc* with lawyers representing clients via telephone hook-up from Brisbane. I live in Cairns, and was dismayed that the lawyer appointed to me did not know my name, and did not discuss issues with me prior to a notified court hearing. Due to this, I had no confidence in the Legal Aid lawyer. The local Legal Aid lawyers did not want to touch child protection matters. Legal Aid is means-tested and usually free for Aboriginal people. I chose to do my own representation because in my mind, phone contact representation is improper and impersonal, especially when a child's freedom is at stake.
- I applied for and received the assistance of a Child Advocate from the Office of the Public Guardian (OPG). Hats off to them for their help and support for my son.

In this submission, I also wish to make mention of the difficulty in accessing the **complaints system**, and the pitiful responses when complaints of substance are made, and then regarded as “unsubstantiated” by the complaints investigator/s.

Some issues that need to be highlighted here include:

- Parents are not advised of the existence of the complaint mechanisms.
- Not all Reviewable Decisions letters were sent to me and only after I took this case to an *Internal Review* Child safety advised they would inform their CSOs to do better in future. This corrective action is moot after the fact.
- Parents are not informed of the process of making a complaint. It would be useful to know how many and what percentage of Aboriginal or Torres Strait Islander folks (other than me) who actually make formal complaints to Child Safety, DCPL, the Chief Magistrate, or the Ombudsman. Do any statistics exist to inform us of this?
- Parents are not provided with proof of guilt of parental neglect or harm to their child. I was not given due process, only delay with constant adjournments for several months before the cowardly DCPL withdrew their case for a two-year order.
- Parents are not provided with sensible responses, even when Child Safety admits to things not being done, such as: Parents not informed about ability to withdraw consent to voluntary Care Agreement; Parents not told when their child is in hospital; Parents not told when their child is suicidal; Complaints Officers making findings that complaints are “*out of scope*” even when this is disputable; Disregarding complaints of human rights abuses; etc.
- When a complainant considers that the decisions by the initial complaint investigator to be inappropriate or unacceptable, the complainant can request an Internal Review. However, no detail is offered as to what this actually entails, and the Internal Review team informs complainants that the decisions by the initial investigators will not be overturned. How is that fair or reasonable?

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- In my situation, the Child Safety complaint investigator's report was farcical. There would appear to have been no intention to provide answers to my concerns, as the response was light on detail, and all my complaints were met with **dismissal, deflection and/or denial** of the actual situation with which I had to contend. The complaint officer's outcome was to state that they will advise staff to do better in future. There was no indication that I was sorely wronged and harmed, or given any compensation for the very harmful events that were orchestrated by the over-zealous Child Safety system.
- The internal review seems to operate on exceedingly tight timeframes. For example, I was sent an email early in the morning, and advised that I needed to respond to the email by close of business on the same day! The contact person was unavailable by telephone on the same day, although I did try to call, and could only leave a message with a gatekeeper.
- After making a complaint against the Director of Child Protection Litigation (DCPL), where human rights abuses were highlighted, and concern raised about the lengthy time of court proceedings (which lasted from mid-2024 until August 2025), the DCPL's Assistant Director responded that the DCPL delegate acted "*fairly and reasonably*" – whereas it was neither fair nor reasonable for the DCPL to keep requesting adjournments to keep my son in the Custody of Child Safety, and the Magistrate not even seeking the views of the parent who was present in the Court. The DCPL wiped its hands of my complaint, and suggested that an avenue open to me would be to complain to the Queensland Human Rights Commission. I have made so many complaints to so many different entities, and I find this humiliating and demeaning. I want a just outcome, not platitudes.
- All of the entities to which I made complaints (Child Safety, DCPL, and the Chief Magistrate) made no comment on the matter of false statements made by Child Safety Officers on Affidavits. Ignoring the illegal and unconscionable conduct of CSOs is extremely upsetting to me. Is this considered acceptable by those entities?
- I asked for acknowledgement of accountability and compensation from Child Safety for taking my child away for 6 months, as their doing so was based on lies. As already stated, this was an unlawful act. Further, I asked again for lawful reimbursement for the costs associated with taking essential international travel with my son. He was under the statutory care of the Child Safety Chief Executive at that time and special permission had to be sought and granted. I was given verbal assurance from a senior Child Safety Officer that some fare reimbursement would be met, but Child Safety will not entertain that this is within their scope.

My son was taken from school by Child safety and into the custody of the Chief Executive in mid-May 2024. He was 13 years old then, and I believe Child Safety used the Temporary Assessment Order, Court Assessment Order, and/or a Temporary Custody Order to keep him lawfully in their custody.

Child Safety accused me of burning my son on his legs and other serious assaults. I denied these charges outright and advised the Child Safety Officers (CSOs) to have my child given a medical check to resolve their concerns. I

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have since found out that they did not have him medically examined. I expected medical examinations would be mandatory in these cases with these serious allegations.

I demanded a trial in the Criminal Court because of the seriousness of the Child Safety Officers allegations. I never did get a hearing – whether in a Criminal Court or a Children’s Court - to test the evidence of the Child Safety employees. What I had to contend with was a string of adjournments over many months, a joke of a Court-ordered Conference, followed by a cowardly retraction of an application for a 2-year order in the Children’s Court. This is not due process. This is a most uncaring way to treat vulnerable children and their parents.

I advised the CSOs that I wanted to be notified of all court dates so I can plead my case. I advised the CSOs that I would be testing all their allegations in Court. I was issued with an affidavit written by a CSO which contained the allegations and assessments. I have never to this day met this CSO. *Ex parte* discussions appear to have been used to make all initial decisions, giving custody of my son to the Chief Executive.

The CSO lied in his sworn affidavit. This is a criminal offence (perjury). This same untruthful information was *presented as fact* to the Magistrates in the Children’s Court by the DCPL. Most importantly, this issue (of perjury) has been dismissed, deflected and denied by Child Safety complaint investigators. In my view, there is no jurisprudence here, only large-scale common-garden-type incompetence and judicial indifference.

I lodged two affidavits with both the Children’s Court and with DCPL. My affidavits were never acknowledged in Court, nor in any other way.

After Child Safety took my son away, I did not see him again until after we made contact using the *Messenger* app. We met briefly at a shopping centre. By this time, my son had been in Child Safety custody for about 5 months and still no court hearing. Child Safety did not tell me where my son was living. My son had asked CSOs many times to take him home to me, and he was ignored.

When my son asked his foster carers about taking him back to his father, he was advised that they would leave him on the highway and he could find his own way back home.

CSOs failed to visit my son on a regular basis. On numerous occasions CSOs did not attend formal Care Meetings.

The Child Safety system did not provide any positive outcomes for my teenage child and me. In fact, the system crushed my son’s mental state and very near killed him. It was only my intervention at a critical time that saved his life. The CSOs’ reports and notes from the Care Meetings clearly demonstrate that my son was suicidal a number of times because he could not get back with his dad. He asked a number of people to take him home and all his pleas were ignored.

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I understand Child Safety had taken my son into their custody, and although the Chief Executive had statutory Duty of Care, a phone-call to the parent in cases regarding suicidal ideation should be considered as critical. My son was treated like a commodity within the Child Safety system. The system was not set up to help him, only to tick the box and move on and entrap another child. They learned very little about my child and his health and mental state in the 6 months he was in their care.

My son was an in-patient at the hospital for several weeks during his 6 months ordeal in the care of Child Safety and the Chief Executive. During his last stay in the hospital, a nurse called me around 5 PM and advised me that she had received paperwork from Child Safety indicating that I should collect my son by 6 PM. Finally, my son was allowed to be reunited with me after 6 long months of emotional trauma. The Senior CSO had only the previous week told me - with no evidence whatsoever - that I was a “*danger*” to my son; but although she must have changed her mind, she did not dissuade the DCPL from continuing to pursue a two-year Protective Supervision Order.

My child was taken away for 6 months. I continue to question as to how and why this happened, and who may have been responsible and/or at fault. I did not have my son for 6 months, and I do not consider that I was at fault through any of this. Is the Child Safety system so set up as to dilute the ability to find fault with any part of the system, and to deny any responsibility when poorly investigated matters proceed without the invited influence of parents and due process? What evidence was relied upon to justify his 6 months custody with Child Safety and the Chief Executive?

So, overall, the Commission of Inquiry needs to know that the Child Safety system has major flaws and does not work well for a lot of folks (or any folks), especially in my case being an Aboriginal and Torres Strait Islander family. The Commission also needs to know that even teenage children are treated with contempt by the public officials in the Child Safety Department, the DCPL, and the Children’s Courts. Parents are ignored to a great extent by the DCPL and the Magistrates. Despite his age, my child’s wishes were also not canvassed by the Court. The complaint systems rarely provide any closure for aggrieved families who are victims of the unconscionable processes, as complaints with any substance are routinely dismissed, deflected, or denied.

The Children’s Court must be made to prioritise hearings to determine fact from fiction in a timely manner. Magistrates should be discouraged from constantly adjourning matters for no reason (like for over 12 months in my case), and especially when the subject child is not with their parent and is in the custody of the Child Safety and the Chief Executive.

When allegations of criminal acts or criminal neglect against a child are made by CSOs or anybody else, this must be referred and followed up with the police and dealt with by the appropriate criminal courts immediately. This is genuine child protection. Not “*adjourn, adjourn, adjourn, oops, don’t like the evidence, withdraw, withdraw the order*”. The long drawn-out and clumsy journey does nothing to ensure the best interests of the children who find

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themselves caught up in the system. Something needs to be done to ensure that the system is expunged of any corruption, so as to instil confidence and restore community faith that this is (or should be) a system of justice.

The community's apparent silence regarding these issues is perhaps understandable, because these issues possibly do not affect everybody; but they mainly negatively impact Aboriginal people and poor white families. The lack of scrutiny surrounding these issues reminds me of the recent Perth Invasion Day rally following an explosive device having been thrown into a crowd. Noticeable was the scant media coverage and muted community outcry.

I am still unhappy and quite disillusioned with the unacceptable responses from my complaints. I am continuing to pursue my complaints wherever this might be possible, and I ask the Commission to note that although this is demoralising and causing much consternation for me through this long drawn-out process, I will continue striving for justice and accountability for myself and my son.