

Submission to the Commission of Inquiry into the Systemic Issues Affecting Queensland's Out-of-Home Care System

1. Author Background

I respectfully provide this submission based on over two decades of lived and professional experience within Queensland's child protection and out-of-home care (OOHC) system.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

This longitudinal experience has provided a unique perspective on the systemic changes introduced in response to reform and their unintended operational consequences.

2. Legislative Framework and Reform Intent

The *Child Protection Act 1999 (Qld)* establishes:

- The **paramount principle** — that the safety, wellbeing and best interests of a child are paramount (s 5A).
- Permanency principles (s 5BA), requiring timely decisions to promote stable, ongoing care arrangements.
- Participation principles (s 5E), ensuring children are given meaningful opportunities to participate in decisions affecting them.

- The obligation to ensure children experience stable care relationships (s 83).

The Carmody Inquiry emphasised:

- Early intervention
- Permanency
- Shared responsibility
- Reduced system drift
- Stable, long-term outcomes for children

However, in practice, the system continues to experience:

- Prolonged case drift
- Placement instability
- Repeated short-term extensions of orders
- Over-reliance on long-term guardianship to the Chief Executive (LTGCE)

The legislative intent is clear. The operational implementation is inconsistent.

3. Post-Reform Bureaucratisation and Risk Culture

Following reform, there has been a significant increase in:

- Documentation requirements
- Procedural compliance monitoring
- Standards of Care Reviews (SOCR)
- Escalation of matters into formal investigative pathways

The Standards of Care framework was designed to ensure accountability and child safety. However, in practice, SOCR processes are frequently experienced by carers as punitive, adversarial, and procedurally opaque.

There is limited natural justice protection for carers when allegations are raised. Substantiations can occur despite:

- Contextual safety considerations
- Lack of proportionality
- Absence of independent oversight

This has created a culture of fear among carers.

The Carmody Inquiry warned against a system overly focused on procedural compliance rather than meaningful relational work. The current operational environment risks replicating precisely that concern.

4. Carer Exclusion from Decision-Making

Despite the Child Protection Act 1999 (Qld) emphasising shared responsibility and participation, carers are frequently excluded from:

- Case planning processes
- Permanency decisions
- Reunification planning
- Placement transition discussions

Carers hold daily, intimate knowledge of children's trauma presentations, behavioural triggers, educational needs, and relational attachments.

Yet operationally, carers are often treated as service deliverers rather than care team members.

This contradicts trauma-informed principles and undermines placement stability.

5. Personal Experience of SOCR Misapplication

I recently resigned as a foster carer [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

The outcome:

- The loss of an experienced, trauma-informed carer
- The loss of capacity to care for up to six children at any time
- The erosion of trust in the investigative process

This reflects a broader systemic issue: SOCR processes are increasingly used without proportionality or restorative intent.

There is no independent review mechanism separate from the Department and contracted NGO structures.

This is a critical structural weakness.

The entire SOCR process was not followed under Child Safety's legislative requirements and I was subject to [REDACTED]

6. Observations as a [REDACTED]

Under the Public Guardian Act 2014 (Qld), [REDACTED] are tasked with protecting the rights and interests of children in care.

[REDACTED]

Recurring themes included:

- Delays in therapeutic supports
- Placement instability
- Education disengagement
- Lack of consistent caseworker relationships
- Children feeling unheard despite participation principles

Section 5E of the Child Protection Act requires that children be given opportunities to participate in decisions affecting them. However, participation frequently becomes procedural consultation rather than meaningful influence.

The system is compliant on paper but inconsistent in relational delivery.

7. NGO Funding and Structural Tension

The post-Carmody expansion of NGO-delivered care has created market-style competition for funding and service contracts.

This has led to:

- KPI-driven practice
- Occupancy pressures
- Contract compliance focus

- Risk management prioritisation

Agencies are structurally constrained in their ability to robustly advocate against departmental decisions due to funding dependency.

Carers and children can therefore experience diluted advocacy.

The Inquiry should examine whether current funding models unintentionally undermine child-centred practice.

8. Carer Attrition and Systemic Risk

The system is experiencing a critical retention crisis.

Experienced carers are exiting due to:

- Investigative stress
- Insufficient support
- Lack of recognition
- Financial unsustainability
- Escalating behavioural complexity without therapeutic backup

The Carmody Inquiry recognised that workforce sustainability was essential to reform.

Without a stable carer base, permanency planning objectives cannot be realised.

Recruitment campaigns cannot compensate for the loss of experienced carers.

Retention must become the central reform focus.

9. Permanency Reform: The Gap Between Law and Practice

Legislative Mechanisms Available

Under the *Child Protection Act 1999 (Qld)*, the Court may grant:

- **Long-Term Guardianship to the Chief Executive (LTGCE)** (s 59(2)(c))
- **Long-Term Guardianship to a suitable person (LTGO)** (s 59(2)(d))
- **Permanent Care Orders (PCO)** (Part 4, Division 3A)

The *Adoption Act 2009 (Qld)* provides a further permanency pathway where adoption is assessed as in the child's best interests.

These mechanisms exist to promote permanency and stability.

However, in practice:

- LTGCE orders remain the dominant permanency pathway.
- LTGO orders are significantly under-utilised.
- Permanent Care Orders are rarely pursued.
- Adoption of children from foster care is uncommon and often not openly discussed as a permanency option.

10. The Over-Reliance on LTGCE Orders

LTGCE maintains guardianship with the Chief Executive (Child Safety), meaning:

- Ongoing departmental decision-making authority
- Continued statutory oversight
- Continued system intrusion into family life
- Ongoing administrative review cycles

For children who are never returning home, this creates:

- Extended involvement in a statutory system
- Instability in long-term planning
- Administrative disruptions
- Lack of psychological permanency

Children remain “children of the system” rather than children of families.

This directly conflicts with s 5BA of the *Child Protection Act 1999 (Qld)*, which requires timely decisions promoting stable care.

11. The Case for LTGO, PCO and Adoption Reform

11.1 Long-Term Guardianship to a Suitable Person (LTGO)

LTGO transfers guardianship to a suitable person, typically a carer. This:

- Removes ongoing departmental guardianship
- Provides legal security
- Reduces system intrusion
- Strengthens placement stability

Yet LTGO is infrequently pursued relative to LTGCE.

Barriers appear to include:

- Risk aversion
- Organisational reluctance to relinquish guardianship
- Funding model disincentives
- Procedural conservatism

11.2 Permanent Care Orders (PCO)

Permanent Care Orders were introduced to strengthen stability and create clearer permanency pathways.

However, in practice, they are rarely utilised.

This suggests a disconnect between legislative reform and operational implementation.

11.3 Adoption Under the Adoption Act 2009 (Qld)

The *Adoption Act 2009 (Qld)* provides a legal mechanism for adoption where it is in the child's best interests.

In practice:

- Adoption from foster care is rarely discussed as a mainstream permanency option.
- Carers are often discouraged from exploring it.
- It is culturally and politically sensitive.

However, for children who:

- Cannot safely return home
- Have formed secure attachments with long-term carers
- Require psychological permanence

Adoption provides:

- Legal certainty
- Identity stability
- Family belonging
- Freedom from ongoing statutory intervention

The reluctance to meaningfully explore adoption contributes to long-term system drift.

12. Stability as a Protective Factor

Research and trauma-informed frameworks consistently show that:

- Stability of attachment
- Continuity of caregivers
- Predictability of environment

Are core protective factors for children who have experienced trauma.

Frequent placement changes and prolonged statutory oversight undermine attachment security.

Section 83 of the *Child Protection Act 1999 (Qld)* requires the Chief Executive to ensure children in care are provided with care that promotes stability and meets their needs.

Yet system practice often prioritises administrative control over relational permanence.

Children require:

- Forever homes
- Legal clarity
- Emotional security
- Reduced bureaucratic disruption

Moving children out of prolonged LTGCE arrangements and into LTGO, PCO, or adoption arrangements where appropriate would:

- Reduce caseworker turnover impact
- Reduce administrative burden
- Improve child identity formation
- Improve educational and emotional outcomes
- Reduce long-term system costs

13. Carer Treatment and System Sustainability

The system depends entirely on carers, yet:

- Carers are excluded from meaningful decision-making
- Carers are subject to adversarial SOCR processes
- Carers are not recognised as professional care team members

- There is no superannuation or long-term financial recognition

Standards of Care Reviews operate under departmental policy frameworks, but there is no independent legislated oversight body to ensure natural justice protections for carers.

This contributes to carer attrition and workforce collapse.

The Carmody Inquiry warned that sustainability was central to reform. Retention of experienced carers must now become a legislative and policy priority.

14. Recommendations

A. Permanency Reform Implementation Audit

Commission an independent audit into:

- Use of LTGCE vs LTGO vs PCO
- Time to permanency decisions
- Adoption pathways utilisation

B. Mandated Consideration of LTGO and Adoption

Amend the *Child Protection Act 1999 (Qld)* to require explicit judicial consideration of LTGO and adoption before granting LTGCE in cases where reunification is no longer viable.

C. Independent SOCR Oversight

Establish a legislatively independent review body for Standards of Care Reviews.

D. Carer Recognition Reform

- Legislative recognition of carers as mandatory members of the care team
- Superannuation pathways
- Tiered remuneration reflecting complexity

E. Permanency-Focused Funding Model

Shift NGO contracts toward permanency outcomes rather than placement occupancy.

15. Conclusion

The OOHC system is sustained by carers who absorb systemic strain within their homes.

Policy reform since the Carmody Inquiry has strengthened compliance frameworks but has not sufficiently strengthened relational infrastructure.

The Child Protection Act 1999 (Qld) enshrines safety, wellbeing, and best interests as paramount.

The Human Rights Act 2019 (Qld) enshrines dignity and recognition.

However, operational practice frequently places carers in adversarial positions and leaves children without the relational stability reform intended to deliver.

I have cared for nearly [REDACTED] children and young people.

I have worked across the system in professional and oversight roles.

I have witnessed extraordinary resilience and profound systemic failure.

The system cannot survive without retaining experienced carers.

Children cannot thrive without permanency.

Reform must now focus on relational integrity, procedural fairness, and structural independence.

The legislative framework in Queensland provides mechanisms for permanency, stability, and child-centred decision-making.

However, operational practice remains heavily reliant on long-term guardianship to the Chief Executive, leaving many children indefinitely connected to the statutory system.

Children need forever homes, not prolonged administrative guardianship.

Expanding the use of LTGO, Permanent Care Orders, and adoption — where in the child's best interests — would:

- Improve stability
- Reduce system burden
- Strengthen attachment outcomes
- Address workforce sustainability

Reform must now move beyond compliance and into courageous permanency decision-making.

Respectfully submitted,

[REDACTED]