



QIFVLS

Queensland Indigenous
Family Violence Legal Service

Submission to the Child Safety Commission of Inquiry - Cairns
Public Hearing: List of Issues

25 August 2025





The Queensland Indigenous Family Violence Legal Service (QIFVLS) Submission to the Child Safety Commission of Inquiry – Cairns Public Hearing: List of Issues

Executive Summary

Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes this opportunity to provide a submission to the Child Safety Commission of Inquiry (Commission), in preparation for the Commission's upcoming Cairns public hearing.

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.

As a Family Violence Prevention Legal Service provider, a member of the National Family Violence Prevention Legal Service Forum and member of the Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks), QIFVLS is 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 overarching tenor of this submission is that the overall culture within Child Safety needs urgent review and reform in line with Priority Reform 3 of the National Agreement on Closing the Gap- Transforming Government and Mainstream Institutions.

Where possible, we have attempted to answer the issues and questions outlined in the Commission's Issues Paper.

We urge the Commission to consider the intersectional factors of historic colonial impacts, intergenerational trauma, and socio-economic disadvantage that underpin the over-representation of Aboriginal and Torres Strait Islander peoples in the child protection system. Importantly, QIFVLS emphasises that many Aboriginal and Torres Strait Islander parents navigating the child protection system have themselves been children in the system and furthermore, the experiences of First Nations children in the child protection system are



inextricably intertwined with the experiences of children in the youth justice system. These issues have been highlighted in the Queensland Women's Safety and Justice Taskforce's *Hear Her Voice* reports.¹

Summary of QIFVLS Recommendations

QIFVLS makes the following recommendations in the belief that by advancing these reforms, we can reshape the child safety system into one that truly honours cultural identity, strengthens families on Country and ensures meaningful, lasting safety for all children:

- 1. Cultural Safety Training and Protocols:** All Child Safety staff must undertake regular cultural capability training co-designed and delivered with ACCOs. Modules should cover historical trauma (Stolen Generations, over-policing), kinship structures, communication styles and colonisation's ongoing impacts. Training must be ongoing - refresher and advanced sessions are essential to ingrain cultural understanding and result in a shift in culture within the Department.
- 2. Culturally Appropriate Programs and Conditions:** Prioritise culturally based supports such as the Family Participation Program, ACCO-led healing initiatives and permission for children to attend cultural obligations. Recognise and fund Indigenous organisations as core partners in the extended child safety network.
- 3. Strengthened Cultural Practice Advisors:** Elevate Cultural Practice Advisors within decision-making structures, ensuring their expertise shapes assessments, case planning and placement decisions.
- 4. Trauma-Informed Practices:** Embed trauma-informed approaches to enhance empathy, service delivery and job satisfaction among CSOs. Align with Priority Reform Three of the National Agreement on Closing the Gap to transform mainstream institutions.
- 5. Resource Delegated Authorities:** Increase funding and genuine decision-making power for ACCOs and delegated guardianship bodies to shift authority closer to community.
- 6. Stabilise Staffing and Case Management:** Implement retention incentives for CSOs, reduce turnover and ensure families work with a consistent team. Standardise timelines for Case Plan development and reviews.
- 7. Child Protection Notification Referral Scheme:** 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 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.
- 8. Establish a specialist child protection court providing a culturally safe space:** We suggest that Queensland's child protection litigation (CPL) model could follow the example set by Western Australia's "*Dandjoo Bidi-Ak*" court 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.

¹ Women's Safety and Justice Taskforce (2021), *Hear Her Voice Report One* & Women's Safety and Justice Taskforce (2022), *Hear Her Voice Report Two*, <https://www.publications.qld.gov.au/dataset/womens-safety-and-justice-taskforce> ;



- 9. Make the Child Protection Litigation model in Queensland fit for purpose:** There is room for improvement to make the Child Protection Litigation (CPL) model in Queensland 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.

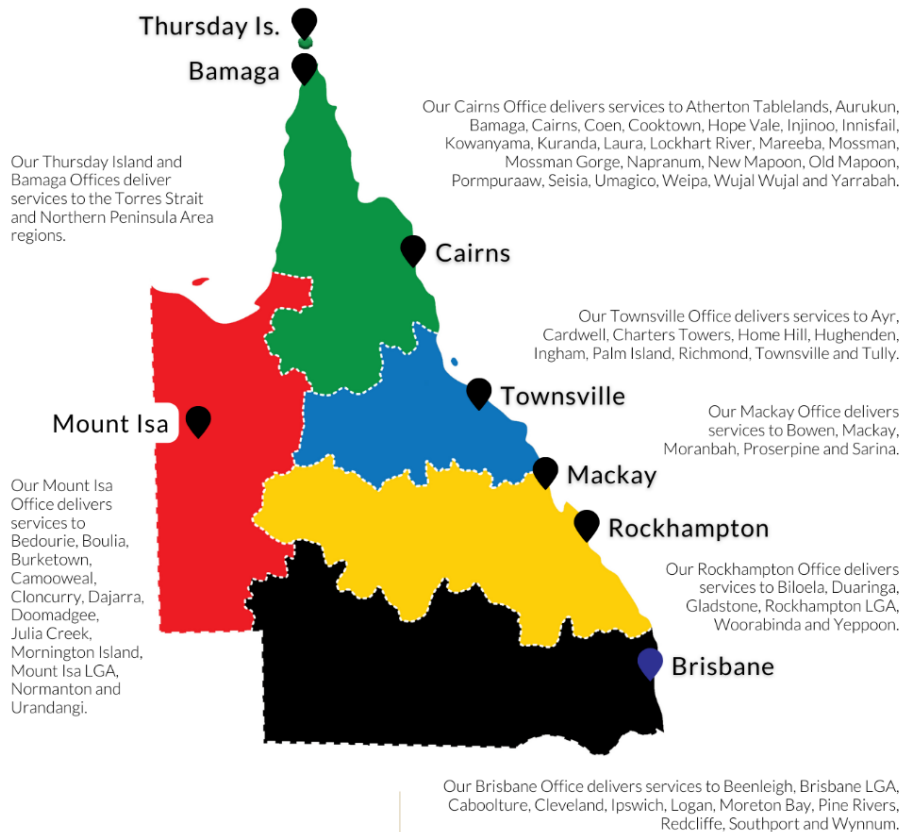
About QIFVLS

QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program ('FVPLSP') through the Department of Prime Minister and Cabinet's Indigenous Advancement Strategy ('IAS'). FVPLSP fills a recognised gap in access to culturally appropriate legal services for Aboriginal and Torres Strait Islander victims of family and domestic violence and sexual assault.

QIFVLS is one of fourteen (14) Family Violence Prevention Legal Services ('FVPLSs') across Australia and one of the thirteen (13) FVPLSs that are part of the National Family Violence Prevention Legal Service ('NFVPLS') Forum. We are one of two Aboriginal and Torres Strait Islander community-controlled family violence prevention legal service providers in Queensland.

QIFVLS is exclusively dedicated to providing legal and non-legal support services to assist Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault with a breadth and scope of services which stretch to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Together with its legal services, QIFVLS can be distinguished from other legal assistance providers through its advantage in providing unique, specialised, culturally safe and holistic assistance from the front-end via a wrap-around model that embraces early intervention and prevention. We advocate this model in supporting access to justice and keeping victim-survivors of family violence safe.

QIFVLS services 90+ communities across Queensland including the Outer Islands of the Torres Strait, neighbouring Papua New Guinea and provides services in the areas of domestic and family violence; family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications. QIFVLS supports its clients through all stages of the legal process: from legal advice to representation throughout court proceedings. In addition, QIFVLS responds and addresses our clients' non-legal needs through our integrated non-therapeutic case management process, which is addressed through the identified role of the Case Management Officer. QIFVLS as a practice, provides a holistic service response to our clients' needs: addressing legal need and addressing non-legal needs, that have in most cases, brought our clients into contact with the justice system in the first place.



As demonstrated by the above map QIFVLS is mainly an outreach service where our teams go into rural and remote communities to meet with clients. QIFVLS services over 90+ Aboriginal and Torres Strait Islander communities throughout Queensland. Recognising that Queensland is nearly five (5) times the size of Japan; seven (7) times the size of Great Britain and two and a half (2.5) times the size of Texas², QIFVLS has eight (8) offices in Queensland –

- (1) a service delivery office in addition to its Head Office located in Cairns, responsible for servicing Cape York communities, Cooktown; Atherton Tablelands, Innisfail, and Yarrabah (and communities in between);
- (2) a service delivery office in Bamaga responsible for servicing Cape York communities as far north as Bamaga and Umagico;
- (3) a service delivery office on Thursday Island responsible for servicing communities stretching to the Outer Islands of the Torres Strait, neighbouring Papua New Guinea;
- (4) a service delivery office in Townsville responsible for servicing Townsville, Palm Island, Charters Towers, Richmond and Hughenden (and communities in between);
- (5) a service delivery office in Rockhampton responsible for servicing Rockhampton, Woorabinda, Mt Morgan, Biloela (and communities in between);
- (6) a service delivery office in Mount Isa responsible for servicing Mount Isa, the Gulf of Carpentaria communities, as far south as Bedourie and across to Julia Creek (and communities in between);
- (7) a service delivery office in Brisbane responsible for servicing the Brisbane local government area.

² <https://www.qld.gov.au/about/about-queensland/statistics-facts/facts>



Family violence as the cornerstone

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

- domestic and family violence.
- child protection.
- family law.
- For victim-survivors of sexual assault;
- Victim Assist Queensland (VAQ) compensation applications;
- minor assistance in blue card matters and;
- support with applications for cultural recognition orders for Torres Strait Islanders via the *Meriba Omasker Kazi Kazipa (Torres Strait Islander Child Rearing Practice) Act 2020*

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 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.

A. Regional Child Safety Challenges

What are the particular challenges facing participants in the child safety system in the Far North Queensland region?

Culture of Child safety

From a high-level perspective, we find the culture within Child Safety needs urgent review and reform in line with Priority Reform 3 of the National Agreement. While we acknowledge Child Safety staff have issues regarding under resourcing, overworked practitioners and staff retention, these pressures cannot excuse an entrenched culture that too often sidelines Aboriginal and Torres Strait Islander families. Rebooting the culture within Child Safety means greater embedding of First Nations involvement, knowledge and kinship obligations within policy and practice, greater partnership with ACCOs and delegated authorities and core

³ 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>

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.



investment in ongoing cultural capability training. We believe it is about striving for a system of restoration rather than one focused on removal.

From our staff's observations on the frontline, the prevailing culture within Child Safety offices too often prioritises long-term guardianship orders over exploring kinship care pathways. Our lawyers and case management officers regularly encounter situations where families and kinship carers remain untraced, uncontacted or unsupported. This is compounded by departmental inertia which hinders or stalls efforts to facilitate meaningful contact between our clients, their children, the children's siblings and wider kinship structures. These are fertile breeding grounds for the deep distrust from our clients and many Aboriginal and Torres Strait Islander families in general. The lack of trust is highlighted by our firsthand observations of clients – victim-survivors of domestic and family violence (DFV) electing not to report acts of violence out of fear that their disclosures of DFV will be used to justify the removal of their children. This is a situation that compounds the isolation of victim-survivors rather than offering protection.

Staff turnover and centralisation

From a Far North Queensland (FNQ) viewpoint, high staff turnover and the centralisation of Child Safety Officers (CSO) within Cairns exacerbates cultural barriers. While we accept that such circumstances are unavoidable, we must place on the record that every change of CSO forces our clients and their families to start from scratch and rebuild rapport with a new CSO.

As far as centralisation, we have heard from our clients, particularly on outreach in remote communities in the Western Cape that contact from their CSO is bare, if not sporadic. Meanwhile, critical processes and landmarks drag on – our lawyers report that Case Plans can take up to a minimum of six months to file, by which point the original goals have often shifted or become irrelevant.

Beyond procedural delays, many of our clients in the Far North face a severe scarcity of accessible support services. Thus, children removed due to domestic violence concerns are sometimes sent to residential care facilities hundreds of kilometres from home and are consequently disconnected from kin. As an example, children from the Torres Strait are being removed and placed in areas as far south as Rockhampton, far from their Country and community. This exacerbates and aggravates the displacement and disconnection from Country. This is a key hallmark of a lack of cultural safety and flies against the recognised protections of a right to connection to culture engrained within section 28 of the Queensland *Human Rights Act 2019*.

Crossover kids

Further challenges with displacement of children from their homes and communities are such that we have witnessed children with no prior justice involvement removed from their mothers due to domestic violence concerns. Regrettably, once placed in residential care, they become “*crossover kids*” after mixing with older teens in these facilities and coming into contact with the youth justice system.

In worst cases, we have been advised that Child Safety Officers withhold basic information, disregarding the on-the-ground knowledge held by local Aboriginal and Torres Strait Islander networks about a mother's readiness for reunification.

The perspectives of children and young people in Far North Queensland who are, or have been, in state care within this region



Children and young people consistently tell us they want to stay on Country - surrounded by family, friends and community - not shuffled into residential homes away from their communities. Yet sibling groups are routinely split between different carers, with what we feel is little effort made to secure a single placement or exhaust kinship possibilities. When children are removed to far-flung towns, parents often lack the funds to visit, and Child Safety seldom intervenes to bridge that gap.

The children in these enduring placements face additional harm. We are aware that Aboriginal and Torres Strait Islander children are sometimes lodged with non-Indigenous foster carers because suitability assessments for kinship homes drag through court delays. Foster carers receive minimal support or clarity about their decision-making role, leaving all parties confused. We are also aware of teenagers transitioning out of care being outsourced to external agencies, thus compelled to retell and relive their trauma to new caseworkers. Alarming, children under twelve have ended up in residential units with much older teens, with some suffering assault as a result.

Child Protection Litigation (CPL) model difficult to navigate

In light of the Australian Productivity Commission's *Review of the National Agreement on Closing the Gap* (the National Agreement.⁵), we believe there is room for improvement, enabling the CPL model to be 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. One of the issues our clients and families face is a seeming lack of coordination from three different agencies – Child Safety, Office of Child and Family Official Solicitor (OCFOS) and the Director Child Protection Litigation (DCPL). Our staff have observed a range of issues including—

- Late filing of court material.
- Delays in proceedings due to Child Safety.
- Child Safety not following court orders.
- Miscommunication between Child Safety, OCFOS and DCPL as observed by our staff, including in court.

The interaction between Child Safety, OCFOS and DCPL should be reviewed with a view to enhance their coordinated effectiveness. In June 2024, we forwarded submission regarding the effectiveness of the Child Protection Litigation model in Queensland. We have yet to hear of the proposed changes from Child Safety and the Department of Justice.

Aboriginal and Torres Strait Islander Children and Young People

What are the proximate causes for the over-representation of Aboriginal and Torres Strait Islander children and young people in care?

From our perspective, overrepresentation springs from a variety of factors (see the heading above, '**Family violence as a cornerstone**'). Specifically looking at Child Safety, these factors include:

- systemic racism deeply embedded in departmental practices and culture.
- a culture of adversarial risk management; and
- widespread lack of cultural competence.

⁵ Australian Productivity Commission (2024), *Review of the National Agreement on Closing the Gap*, page 79



We are aware that Cultural Practice Advisors within the Department have spoken of being sidelined and not listened to, with their expertise ignored in assessments and planning. We are told and we observe Child Safety frequently removing children without first supporting families to remain together, perpetuating a cycle of distrust and forced removal rather than community-led solutions.

Which system responses of the Department do communities wish to challenge, and what practical changes are required?

Aboriginal and Torres Strait Islander communities challenge the Department's cumbersome kinship care approvals process. *(we note the Blue Card requirements are undergoing reform with legislative amendments to the effect that kinship carers will no longer be subject to Blue Card requirements)* and demand a shift back toward restoration and reunification - keeping children at home wherever safe. Our communities call for a more hands-on, culturally safe departmental culture that empowers Aboriginal and Torres Strait Islander Community-Controlled Organisations (ACCOs) with genuine decision-making authority when the Department cannot adequately assist.

Cultural Safety

Significance of Cultural Safety

Cultural safety is an environment free from assault on one's identity, where spiritual, social and emotional needs are honoured. For Aboriginal and Torres Strait Islander peoples, it means respect for kinship structures, law/lore and Country. Historically, Child Safety has operated under one-size-fits-all policies that marginalise Aboriginal and Torres Strait Islander families. Embedding Aboriginal and Torres Strait Islander cultures and knowledge systems, as the 2020 Wiyi Yani U Thangani report⁶ urges, is essential not only for justice but for sustained safety and connection to community and Country.

What is meant by "culturally safe" in child safety services?

a. For the Department

Cultural safety demands that all staff receive deep, ongoing training designed and delivered by ACCOs, covering historical trauma, kinship structures, communication protocols, the history of forced removals including the Stolen Generations amidst the wider impacts of colonisation. A department and staff who truly practise cultural safety will understand intergenerational trauma, service fatigue, and the lived context of Aboriginal and Torres Strait Islander peoples, treating their identity and kinship obligations as strengths rather than risks.

b. Aboriginal and Torres Strait Islander peak bodies and their members

Peak bodies broadly but not exclusively define cultural safety as an environment where decisions are family-led and culturally anchored. Like other peak bodies, QIFVLS points to the Family Participation Program (FPP) as a gold standard: an independent, community-led decision-making framework that must be resourced, respected by Child Safety, and integrated into every case involving Aboriginal and Torres Strait Islander families.

⁶ Australian Human Rights Commission (2020), *Wiyi Yani U Thangani Report: (Women's Voices): Securing Our Rights, Securing Our Future*, https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf



What effect does the application (or lack) of the Aboriginal and Torres Strait Islander Placement Principle have?

When the Placement Principle (s 5C(2)) is ignored, children routinely bypass kinship or home-stay options and find themselves in residential care as a first resort. This neglect undermines community connections, inflates demand for non-family placements, and erodes the cultural and emotional safety that kinship care provides.

To what extent does the Placement Principle conflict with other priorities, and how are conflicts resolved?

In practice, the Placement Principle frequently clashes with the Department's risk-averse ethos (ss 5A–5BA). Where priorities conflict, safety-first assessments often override community-centred solutions. There is no transparent framework for resolving these tensions, leaving kinship options sidelined and Aboriginal and Torres Strait Islander children locked out of their cultural support networks.

What effect has devolving delegated authority to community-controlled organisations had?

Despite formal devolution, our observation is that delegated authorities, for instance in Family Group Meetings, often defer back to Child Safety on substantive decisions. True authority remains in departmental hands, hampering the promise of community control and perpetuating systemic barriers to culturally safe care.

Carmody Implementation

To what extent have the Carmody Inquiry recommendations been implemented, and with what impact?

Since the Taking Responsibility roadmap was released, data provides that applications filed have increased. Yet in practice, we have not observed many instances where Child Safety will review arrangements for children who are subject to a long-term guardianship order. Indeed, the practice once a child enters the system, is to graduate from short term custody orders to long term custody orders.

Increase in the Numbers of Children in, and the Cost of, the Child Safety System

What has driven the rise in the number of children in state care, especially in non-family based residential settings?

An overarching lack of case management support pushes families toward removal instead of reunification. Our staff assessments are that Child Safety too often fail to address underlying issues - substance misuse, mental health, housing – which are barriers to keeping children at home. We note that in remote communities, mothers speak of feeling abandoned by CSOs. Housing shortages and cost-of-living pressures further entangle matters. For example, we have seen child protection proceedings hinge solely on inadequate housing, even when no other risk factors exist.

What drives the rising cost of child safety services, particularly residential and Individualised Placement and Support?



More children end up in residential care due to inadequate family support and untapped kinship care. Residential placements carry significantly higher per-child costs than family-based care, and the Department's growing reliance on these expensive settings inflates system-wide expenditure.

Why are these increases proportionately larger in Queensland than elsewhere?

We raise the likelihood that it is Queensland's unique child safety culture, one that is risk-averse, underfunded, lacking in cultural safety, not fit for purpose, and reactive. These ingredients all serve to amplify removal rates. We also feel it necessary to add that parallel legislative reforms in youth justice, backed by the two major parties despite stakeholder warnings, demonstrate how policy shifts intended to address problems can instead entrench disadvantage when cultural and community input and knowledge is overlooked.

What are the most effective methods of reducing reliance on child safety services?

- Proactive, strengths-based engagement: Child Safety must partner with families and communities to address root causes rather than defaulting to removal. A focus on being proactive requires working genuinely with families to address the underlying causes and supporting families to achieve rather than setting them up for litigation and penultimately, removal of children.
- Cultural competency and DFV training: Extensive, trauma-informed training for CSOs to understand intergenerational trauma and domestic violence dynamics in First Nations contexts.
- Investment in ACCOs and delegated authorities: Empower community-controlled bodies with real decision-making power.
- Consistency of staffing: Mitigate churn to maintain trust and institutional memory.
- A cultural reset: Without rebooting the department's risk culture, higher funding alone will not yield meaningful change.

Disconnect Between Duty and Authority

What limits carers face in exercising authority over children in their care?

Carers often lack cultural briefing on matters that only kin would understand - such as the significance of a first haircut or cultural ceremony. Without clear guidance, they risk inadvertently disrespecting cultural protocols. Child Safety must partner with ACCOs/delegated authorities and empower Departmental Cultural Practice Advisors to provide carers with robust cultural support to ensure children feel culturally, spiritually, socially and emotionally safe in placements.

What practical consequences arise from these limitations?

When carers overstep due to unclear boundaries, relationships fracture, which in turn undermines a child's path to reunification and destabilises trust between parents and carers.

To what extent do these limitations conflict with reunification goals?

Carers without adequate training sometimes form attachments so deep they actively work against reunification, whether unknowingly or knowingly. This role confusion stems from a lack of emphasis on the carer's purpose when orders are short-term and returning home remains the objective.



To what extent do limitations conflict with nurturing for community integration?

Our lawyers observe that Child Safety regularly fails to uphold its obligations under Section 75 of the Child Protection Act 1999 (Qld), which mandates support for youth transitioning from care to independence. Without dedicated support, young people lack the skills and guidance to thrive in their communities.

What training and guidance do carers receive about their authority and its limits?

Current training is insufficient. Both CSOs and support workers need deeper cultural and DFV training to grasp intergenerational trauma and family dynamics. Carers, especially those facing reunification scenarios, desperately need targeted instruction on their role's boundaries, the reunification purpose, and how to avoid forming attachments that inadvertently hinder a child's return home.

Residential Care

Why are non-family based residential care models used for children under 12?

A critical shortage of foster and kinship carers willing to take young children drives reliance on residential facilities. Proposed carers often falter at the housing or BlueCard approval stage. Meanwhile, the low age of criminal responsibility in Queensland means children who come to notice for minor offences are funnelled into residential care rather than family settings.

Have avoidable negative outcomes occurred in these placements?

Children in non-family residential care face institutionalisation and premature sexualisation. We have seen eight- and nine-year-olds exposed to older teens with criminal histories, effectively producing "crossover kids" whose life trajectories and family futures are irrevocably altered.

To what extent does a lack of foster or kin carers drive these placements?

Large sibling groups and insufficient case management support can push children into residential care. In remote regions, extended family struggle with housing and BlueCard logistics, leaving no viable kinship alternative.

Do governance gaps fuel recruitment for exploitation and criminal activity?

A lack of oversight in some residential homes creates a fertile ground for recruitment into sexual exploitation and criminal networks. We know of children entering care as young as eight, becoming institutionalised and criminalised. With guardianship vested in the Department as legal parent, but no direct support, many children self-place with family, only to be denied official recognition and financial assistance when correspondence to Services Australia is delayed.

The Reunification Principle

Does prioritising reunification support permanency, stability and security?



Yes. Reunification at its best cements long-term family connections and cultural continuity. But when service systems fail, whether through churn, inadequate support or conflicting departmental priorities, prioritising reunification without the necessary scaffolding can detract from true permanency and stability.

What challenges do First Nations children in remote areas face maintaining connection?

Children removed from their traditional lands in remote areas hours from Country, friends and culture are plagued with disconnection and displacement. This represents a fundamental misunderstanding that Aboriginal and Torres Strait Islander peoples are not a monolith but rather a rich and diverse collection of First Nations peoples. Queensland in particular has over 120 traditional owner groups.⁷

We also note the following:

- Children are often removed from the family home and placed in care. Due to family residing in a remote location, in some instances children are placed with carers or in residential care hours away from family, friends and country. Child Safety are not always supportive and do not always cover the associated expenses, in facilitating contact between a child in care and parent. Families involved in the Child Protection system often struggle to have the financial means to arrange travel themselves.
- As a result of a child being moved away from family and country, reunification is then impacted.
- There are often significant delays in kinship care suitability assessments and as a result, children are placed with foster carers or in residential care.
- Child Safety is not always culturally appropriate. For example, there was an instance where a parent made a request for a child to travel to country to attend a funeral. This request was not approved by Child Safety, impacting the child's connection to their family, culture and land.

What are the primary barriers to reunification?

- Fragmented case management and insufficient support from CSOs
- High CSO turnover, forcing families to retell and relive trauma repeatedly
- Cultural misunderstandings about large Aboriginal and Torres Strait Islander households
- Housing shortages and broader cost-of-living pressures

Do residential care placements undermine reunification?

Yes. Residential care institutionalises children, increasing their exposure to harmful behaviours. Many children self-place with family, yet Child Safety often responds with long-term guardianship applications rather than supporting family-led care.

Proximate causes of failed or ill-advised reunification

Failed reunifications stem from the barriers above, and Child Safety rarely pursues reunification when it lacks a realistic path forward. Where reunification is not in a child's best interests, services must pivot to kinship or community placements that uphold cultural safety.

⁷ <https://statements.qld.gov.au/statements/97449>



Removal of Newborn Children

What factors lead to removal of newborns at birth?

There is a lack of support by Child Safety to keep babies with their Mother and/or provide support during the pregnancy, to ensure that the baby can remain with the Mother. Furthermore, support plans implemented by Child Safety are not always appropriate and in some instances, do not increase prospects of the baby returning to the Mother.

Does newborn removal deter expectant mothers from seeking medical care?

Absolutely. The threat of removal disincentivises disclosure to medical professionals. In cases involving domestic and family violence, a father may force a mother to give birth away from hospitals and medical staff, to prevent Child Safety from removing the child. This causes the mother and unborn child to be at risk of harm.

How much notice is given to mothers?

Notice varies on a case-by-case basis: some parents learn of proceedings before birth, others only on the day of removal. This inconsistency fuels distress and erodes trust in the system. Teen mothers are often not informed directly until the baby is born.

What support is offered to at-risk pregnant mothers?

Beyond a nominal support plan, young mothers who lose their babies rarely receive post-removal counselling or wrap-around services. This gap precipitates further trauma and increases the likelihood of subsequent long-term guardianship orders. We recommend that Child Safety should support parents in accessing counselling.

“Self-placing” or Missing Children in Care

How does the Department respond when children leave approved placements?

Self-placements are categorically unsupported. Children who leave and their carers receive minimal follow-up, leaving families to navigate informal arrangements without departmental endorsement or assistance.

Is there any link between self-placing and criminal exploitation?

Our observations suggest children returned home experience reduced involvement in criminal or exploitative activities compared to peers maintained in residential care.

What limitations hamper the Department in addressing self-placing?

A fundamental lack of policy guidance and resourcing means neither children nor families receive the support they need to stabilise self-placement arrangements.

What is the Queensland Police Service’s experience?



We cannot speak for the QPS experience. However, we note from our observations that there can often be lack of misunderstanding around where children live. There have been instances where Police have contacted a parent of a child under a CP Order where guardianship does not sit with the parent. Thus, inter-agency communication breakdowns leave children's whereabouts and welfare in limbo.

Definitions of Success in the Child Safety System

We believe success looks different to each stakeholder:

a. Children and young people:

Secure placements that sustain kinship ties, cultural connection and emotional safety.

b. The Department:

Cultural reset and cultural capability. Compliance with statutory benchmarks, reduced re-notifications and measurable progress toward reunification. Better coordination between Child Safety, Office of the Child and Family Official Solicitor (OCFOS) and Director of Child Protection Litigation (DCPL) in the conduct of child protection litigation proceedings.

c. Other government agencies:

Effective interagency referrals, shared data and coordinated wrap-around supports.

d. Carers:

Clear guidance regarding roles and boundaries alongside ongoing training and mentorship.

e. Parents:

Tangible steps toward reunification, with financial, emotional and cultural supports intact.

f. Peak bodies and their members:

Evidence of culturally led decision-making, community control, and resourced Aboriginal and Torres Strait Islander programs.

g. Oversight agencies:

Transparent reporting, reduced incidents of self-placing and measurable improvements in outcomes for First Nations children.

QIFVLS Further suggestions for success

A Child Protection Notification and Referral Scheme

QIFVLS, as a member of First Nations Advocates Against Family Violence (FNAAFV) 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 scheme⁸, 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

⁸ Djirra's Submission to the Parliamentary Inquiry into Family, Domestic and Sexual Violence, July 2020, p.15



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 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.

We highlight however that an effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to, and cannot be successfully independent of other recommendations, particularly our recommendations.

We note that the North Australia Aboriginal Family Legal Service (NAAFLS), through philanthropic funding from the Paul Ramsey Foundation has embarked on the beginnings of a child protection notification referral system in the Northern Territory. Aimed at early intervention, the scheme is still in its infancy.

Queensland's CPL model looks to the example in Western Australia - a specialist child protection court providing a culturally safe space

We have previously suggested 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.⁹

"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.

⁹ https://childrenscourt.wa.gov.au/D/dandjoo_bidi_ak.aspx



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.”

We see benefits in the provision of such a system in Queensland, especially in the rich, culturally diverse areas of Far North Queensland where many Aboriginal and Torres Strait Islander peoples from many different nations reside. 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 development of a Pilot. We believe there is merit in exploring a holistic and culturally safe process in a less formal and intimidating environment.

For a detailed real-life illustration of these systemic challenges and the impact of culturally safe practices, see Appendix A – De-identified Case Study: QIFVLS Child Protection Matter on page 17.

Conclusion

QIFVLS thanks the Commission of Inquiry for considering our submission. We trust that our viewpoint as a Family Violence Prevention and Legal Service and as an Aboriginal and Torres Strait Islander Community Controlled Organisation is appreciated. We would welcome the opportunity to be further involved, if requested.