

27 March 2026

Paul Anastassiou KC  
Commissioner  
Child Safety Commission of Inquiry  
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Dear Commissioner,

## **Commission of Inquiry – the use of restrictive practices for children with disability in care in Queensland**

Thank you for the opportunity to provide this submission to the Commission of Inquiry into Child Safety. Queensland Advocacy for Inclusion (**QAI**) is an independent, community-based advocacy organisation and community legal service that provides individual and systems advocacy for people with disability. Our purpose is to advocate for the protection and advancement of the needs, rights, and lives of people with disability in Queensland. We write to express our deep concerns about how restrictive practice laws and other specific laws impact the safety of children with disability in care. Despite safeguards in the regulation of restrictive practices for adults, children with disability in care remain without such protection in law. This is demonstrated in our comparison of the adult and child frameworks attached to this letter (**Attachment A**). We urge the Commission to consider the need to legislate safeguards as a matter of priority.

### **The current regulatory framework**

The use of restrictive practices across various service sectors has been the subject of significant focus over the past decade. Following the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**DRC**), there is now an even clearer need for major changes to the regulatory framework in Queensland. The DRC's final report underscored the urgent need for comprehensive

reform to ensure the safety and rights of people with disability, particularly in relation to restrictive practices.

QAI has surveyed the sufficiency of the framework in place in Queensland from various perspectives, drawing on our expertise working with individuals with disability. We have concerns about both the *Disability Services Act 2006* (Qld), which applies to “adults with disability”, and the framework authorising the use of restrictive practices on children in care. While the framework for adults is itself in need of improvement, the absence of equivalent statutory protections for children is particularly alarming. As to the first matter, the DRC final report identifies the serious inadequacies of the existing framework. Although the DRC made welcome recommendations, it appears that many of these recommendations have not yet been implemented. In particular, Recommendations 6.35–6.41 set out clear requirements for legislative safeguards, independent oversight, and rights of review, none of which have been fully enacted. The recently released *Disability Royal Commission Progress Report 2025* confirms that implementation of these recommendations remains incomplete, with many actions recorded as “in progress” or “requiring further work”. Recommendation 6.35 (legal frameworks for the authorisation, review and oversight of restrictive practices) is identified as a state and territory responsibility, and Queensland’s status is recorded as “in progress”. We need to the immediate implementation of legislative safeguards. The intent of Recommendations 6.35–6.41 is clear: restrictive practices should only be used as a last resort, in response to a serious risk of harm, for the shortest time possible, and under legal frameworks that provide independent oversight and review. In Queensland, the principal legislative step taken to progress reform was the introduction of the *Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024* in June 2024. This law took partial steps towards necessary reforms but did not include the full recommendations of the DRC. The Bill lapsed on 1 October 2024 when Parliament was dissolved and has not been reintroduced. Clearly, Queensland has not yet enacted the legislative reforms needed to give effect to the DRC’s restrictive practices safeguards.

## **Safeguards needed for children in care**

Against that backdrop, QAI has serious concerns about the lack of protections that exist for children in care. Though we consider the legislative protections in relation to adults with disability to need more work, the legislative protections for children are, in effect, non-existent. There are no provisions in the *Disability Services Act* or the *Child Protection Act 1999* (Qld) directly regulating the use of restrictive practices on children with disability, or children at all. Instead, there exist only operational policies providing guidance on how responsibilities under the *Child Protection Act* should be exercised, including in relation to restrictive practices. Whilst these policies include some guidance about restrictive practices, the protections are far less robust than those available to adults, and they do not have the force of law or meaningful enforceability. Reliance on policy, rather than law, means that children in care are left without enforceable rights, external oversight, or effective avenues for independent complaint. This exposes them to significant risk of harm and rights violations. QAI considers that Queensland's children in care deserve at least the same legal protections afforded to adults and, as our most vulnerable young people, it is reasonable to expect that they have even stronger protections. It is therefore imperative that the Government ensure that these protections are robust, enforceable, and consistent with human rights standards, and reflect the relevant recommendations made by the DRC.

## **Recommendations**

QAI considers that the most effective way for the Queensland Government to implement change in relation to restrictive practices is to take steps to legislate.

Accordingly, we recommend that the Government:

- ensure restrictive practices are only used as a last resort in response to a serious risk of harm, consistent with Recommendation 6.35;
- address the outstanding DRC recommendations, including independent oversight, statutory authorisation, and rights of review for children; and
- engage in ongoing consultation with stakeholders, including children, families, and advocates, to ensure the legislative framework is responsive and effective.

If the Queensland Government implemented these recommendations, it would demonstrate a commitment to upholding the rights and wellbeing of Queensland's most vulnerable children while setting a national benchmark for best practice in the regulation of restrictive practices. We therefore ask you to include these recommendations in your final report.

We thank you for your time in considering this letter.

Yours faithfully,

Matilda Alexander



CEO

Queensland Advocacy for Inclusion

## Attachment A – Comparison of Safeguards for Restrictive Practices: Adults vs Children in Care

This attachment provides a consolidated comparison of the safeguards, authorisation pathways, oversight mechanisms and review/complaints processes governing the use of restrictive practices on adults with disability versus children in statutory care in Queensland. It highlights the significant disparity in statutory protections.

**Comparison Table: Legislative and Oversight Framework – Adults vs Children in Care**

Aspect	Adults (Disability Services Act; Guardianship and Administration Act)	Children in Care (Child Protection Act; Policy Framework Only)
<b>Statutory Authorisation</b>	<ul style="list-style-type: none"> <li>• QCAT or Guardian approval required for certain restrictive practices.</li> <li>• Positive Behaviour Support Plan (PBSP) mandatory.</li> </ul>	<ul style="list-style-type: none"> <li>• No statutory authorisation requirements.</li> <li>• Internal departmental policy only.</li> <li>• PBSPs optional and not legislated.</li> </ul>
<b>Oversight &amp; Monitoring</b>	<ul style="list-style-type: none"> <li>• External, independent oversight (QCAT, Public Guardian).</li> <li>• Legislated reporting obligations.</li> </ul>	<ul style="list-style-type: none"> <li>• External oversight by OPG (CVS) available to children in OOHC</li> <li>• Largely departmental oversight only.</li> <li>• No external or statutory review process.</li> </ul>
<b>Complaints &amp; Review Rights</b>	<ul style="list-style-type: none"> <li>• QCAT review and appeal rights.</li> <li>• Public Guardian investigations.</li> <li>• NDIS Commission oversight (where applicable).</li> </ul>	<ul style="list-style-type: none"> <li>• Very limited review rights (QCAT in narrow circumstances).</li> <li>• Child Safety internal complaints process.</li> <li>• NDIS Commission (if NDIS</li> </ul>

		<p>provider involved).</p> <ul style="list-style-type: none"> <li>• Limited standing for advocacy organisations.</li> </ul>
<b>Enforceability</b>	<ul style="list-style-type: none"> <li>• Legislative requirements apply.</li> <li>• Non-compliance subject to legal sanction.</li> </ul>	<ul style="list-style-type: none"> <li>• Policy-based requirements only.</li> <li>• No legal enforceability or statutory penalties.</li> </ul>
<b>Scope</b>	<ul style="list-style-type: none"> <li>• Adults with intellectual or cognitive disability receiving funded supports.</li> </ul>	<ul style="list-style-type: none"> <li>• Children in statutory care; protections are weaker, inconsistent and unclear.</li> </ul>