

4 August 2025

Child Safety Commission of Inquiry
GPO Box 783
Brisbane Qld 4000

Submitted via webpage upload

Dear Colleagues

Inquiry into Queensland's Child Safety System ('the Inquiry')

Thank you for the opportunity to provide feedback in relation to the above.

About QCOSS

Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

QCOSS members work across a diverse range of areas within the community service sector, including within the child safety sector, and other adjacent or intersecting fields such as domestic and family violence ('DFV'), housing, disability support and advocacy, and child and family support services. Many in the sector are keen to engage with the Inquiry and look forward to connecting with upcoming opportunities to provide input into the work of the Inquiry. We thank the Commission of Inquiry into Queensland's Child Safety System ('the Commission') for the extension in time to provide this submission.

QCOSS' position

QCOSS welcomes the opportunity to engage with the Inquiry. Ensuring all children and families have access to the support they need is of vital importance to the community services sector. QCOSS particularly welcomes the thoughtful and comprehensive way in which the Commission described its activities, plans and avenues of inquiry at the opening public hearing, held on 23 July 2025 at the Brisbane Magistrates Court.

This submission is in response to the Commission's call for submissions regarding the complaints system. This submission also includes additional early community service sector feedback regarding upcoming activities of the Inquiry itself.

This submission is based on feedback we have received from our members through previous engagement processes, as well as early consultation specifically regarding the Inquiry. While early consultation activities to support our engagement with the Inquiry have been limited, we look forward to expanding our connection with the sector regarding the child safety system as the Inquiry progresses.

We are particularly grateful to the Queensland Aboriginal and Torres Strait Islander Child Protection Peak ('QATSICPP') for the thoughts and perspectives they have shared with us on the complaints system, based on their expertise in this setting and their ongoing engagement with their members. We encourage the Commission to work closely with organisations such as QATSICPP and PeakCare who have specialist knowledge in this setting.



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Complaints System

Feedback we have received from community service organisations regarding the complaints system within the child safety system included the following:

- There are difficulties posed by the complaint system structure where the Department of Families, Seniors, Disability Services and Child Safety ('the Department') manages the complaints system, and where there is a lack of external oversight. For example, parents of children in the child safety system can be hesitant to raise a complaint to the Department. Factors influencing hesitance to make a complaint include the power imbalance felt by parents, a preference to build or maintain a good relationship with the Department, and fear of repercussions, reprisal or punishment for the child or the parent in light of the complaint.
- We have received feedback outlining concern at the kinds of complaints that are dismissed; deemed by the Department or other complaint handler to not require any further action or follow up, including situations where people making a complaint do not feel they have been believed; and instances where complaints record keeping has been inadequate. This is compounded by limited avenues for escalation of complaints.
- Concerns were raised in the context of rural and remote areas, outlining that communication with the Department is frequently delayed or minimal, leaving local organisations unsupported when harm is disclosed. Delays and long wait times are also reported in relation to the complaints system more broadly.
- The complaints system does not meet the needs of particular groups, including Aboriginal and Torres Strait Islander Peoples; people with disability; and children, families and carers generally. Barriers include inaccessible systems and overly bureaucratic processes, a lack of trauma informed practice, a lack of cultural safety, insufficiently tailored supports for complainants, and insufficiently tailored complaints pathways.
- There are gaps within the complaint system where complaint pathways are limited, including where children have self-placed, and in connection with unlicensed residential care providers who are not subject to as many accountability requirements.

QCOSS understands other submissions will provide specific recommendations for reform, including to design a complaints system that is centred on upholding the rights and needs of children, families and communities by:

- building additional complaint pathways, escalation mechanisms and oversight measures
- enhancing cultural safety, trauma-informed practices, accessibility, inclusion and trust in the complaints process
- embedding models of First Nations leadership and empowerment through multiple avenues
- improving transparency and reporting, and
- improving responsiveness and resolution.

QCOSS received additional member feedback that early issue resolution within relevant government departments and services needs to improve. This could help to prevent small issues from escalating into serious problems that require engagement with the complaint system.

Feedback for improvement in this regard emphasised a need for government services, government departments and different teams within departments to develop more integrated and holistic ways of working with one another and with the community service sector to enable nimble responses.

We received feedback that any complaints system in this setting could be vulnerable to systems abuse and weaponisation against people who are experiencing DFV. In considering potential reforms to the complaints system, member feedback highlighted the importance of mitigating against this. We encourage engagement with the DFV and child protection sectors on this issue. QCOSS also highlights a need to ensure that any reforms to the complaints system are made in

alignment with the current implementation of the Reportable Conduct Scheme and the Child Safe Standards.

The Inquiry should be underpinned by human rights principles

The Review should be fundamentally shaped and guided by human rights principles. The main objects of the *Human Rights Act 2019* (Qld) ('HRA') are to protect and promote human rights, to help build a culture in the Queensland public sector that respects and promotes human rights, and to help promote a dialogue about the nature meaning and scope of human rights.¹

The HRA provides important guidance for the decision making of public entities, and guidance that should comprehensively shape the development of law and policy in Queensland. The child safety system must operate such that human rights are respected, protected and fulfilled. This includes, but is not limited to, recognition and equality before the law, privacy and reputation, cultural rights, the right to education and the right to health services. Critically, this includes rights for the protection of families and children, where these rights should be central to the child safety system.

Adopting a human rights lens to consultation processes and analysis on areas of reform can deliver powerful results. The Women's Safety and Justice Taskforce incorporated a comprehensive human rights analysis throughout *Hear Her Voice Report One* and *Hear Her Voice Report Two*.²

In late 2023 and early 2024, the Queensland Parliamentary Community Support and Services Committee conducted an inquiry into the provision and regulation of supported accommodation in Queensland. Two independent advocacy organisations, Queenslanders with Disability Network ('QDN') and Queensland Advocacy for Inclusion ('QAI'), were formally engaged to assist supported accommodation residents to contribute their views on their accommodation services and support.³ As described in the final report for that inquiry, "QDN and QAI engaged over 700 residents in residential facilities around Queensland;³ designed plain English guides and factsheets about the Inquiry;⁴ assisted residents to make written and audio submissions; and where relevant, supported residents during the committee's site visits to residential services," [footnotes omitted]⁴. This process substantially enhanced opportunities for safe and meaningful participation in the Inquiry.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, (the Disability Royal Commission') explained in their final report:

"We have been committed to developing and implementing an approach to our work informed by human rights. We have aimed 'to translate human rights into practical and sustainable policies and practices that change the values and standards the community expects to be upheld for people with disability'.²²" [footnote omitted]⁵

This approach also informed the mechanisms which were developed to enable participation with the Disability Royal Commission's work:

"We adopted a trauma-informed approach to communicating with people with disability who wished to engage with us, whether by giving evidence, making submissions, participating in private sessions or in other ways. We set out to ensure the physical, social, emotional and cultural safety of everyone who wished to recount their experiences."⁶

¹ *Human Rights Act 2019* (Qld) s 3.

² State of Queensland. *Women's Safety and Justice Taskforce, About the Taskforce*. (Accessed 31 July 2025). <<https://www.families.qld.gov.au/our-work/domestic-family-sexual-violence/end-domestic-family-violence/about/womens-safety-justice-taskforce/about>>

³ Parliamentary Committees. (2024). *Report No. 44, 57th Parliament Community Support and Services Committee, June 2024, Inquiry into the provision and regulation of supported accommodation in Queensland*, p1 <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724t904/5724t904-06b2.pdf>

⁴ Ibid, p 1-2.

⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Executive Summary, Our vision for an inclusive Australia and Recommendations, Final Report*, p xii. <https://disability.royalcommission.gov.au/publications/final-report-complete-volume-formats>

⁶ Ibid, xi.

QCOSS highlights the particular need to adopt a human rights informed approach to engagement and partnership with Aboriginal and Torres Strait Islander Peoples in connection with the Inquiry. The majority of Aboriginal and Torres Strait Islander children live with their families, in safe and nurturing environments supported by strong connections to culture, kin and community. However, in comparison to non-Indigenous people in Queensland, the child safety system has a disproportionate impact upon Aboriginal and Torres Strait Islander children, families and communities. Many aspects of the system are inherently linked to the ongoing impacts and inter-generational trauma of colonisation, which has continued to result in the separation of Aboriginal and Torres Strait Islander children from their families. For example, of the children in out of home care in Queensland as at 30 June 2024, 49 per cent identified as Aboriginal and/or Torres Strait Islander.⁷ Whereas Aboriginal and Torres Strait Islander children make up nine per cent of the general population of children in Queensland.⁸

It is in this context that we draw attention to the preamble of the HRA which specifically recognises:

“...Although human rights belong to all individuals, human rights have a special importance for the Aboriginal peoples and Torres Strait Islander peoples of Queensland, as Australia’s first people, with their distinctive and diverse spiritual, material and economic relationship with the lands, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition and Ailan Kastom. Of particular significance to Aboriginal peoples and Torres Strait Islander peoples of Queensland is the right to self-determination.”⁹

We also highlight Section 23 of the HRA which protects the cultural rights of Aboriginal Peoples and Torres Strait Islander Peoples. This includes, rights to:

- “...enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings,”¹⁰
- “...enjoy, maintain, control, protect and develop their kinship ties,”¹¹ and
- “...to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions.”¹²

Section 28 of the HRA also outlines that “...Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.”¹³

We encourage the Commission to work in partnership with Aboriginal and Torres Strait Islander Peoples to support self-determined ways forward, which draw upon the immense strength, wisdom and cultural connection of First Nations communities and First Nations ways of working. We welcome the Commission’s intention to seek advice from First Nations leaders on how best to engage with Aboriginal and Torres Strait Islander Peoples throughout Queensland.

In 2024 the Productivity Commission reflected on what is required to affect meaningful change in the broad context of the National Agreement on Closing the Gap, which includes a target to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out of home care. They observed:

“It has become clear that in order to see change, business-as-usual must be a thing of the past. Across the country, we have observed small tweaks or additional initiatives, or even layers of initiatives, as attempts to give effect to the Agreement. However, real change does not mean multiplying or renaming business-as-usual actions. It means looking deeply to get to the heart of the way systems, departments and public servants work. Most critically, the

⁷ Australian Government. (2025). *Report on Government Services 2025*, Table 16A.2. <https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/child-protection>

⁸ Ibid, Table 16A.42.

⁹ *Human Rights Act 2019* (Qld) Preamble 6.

¹⁰ *Human Rights Act 2019* (Qld) s 28 (2)(a).

¹¹ *Human Rights Act 2019* (Qld) s 28 (2)(b).

¹² *Human Rights Act 2019* (Qld) s 28 (2)(c).

¹³ *Human Rights Act 2019* (Qld) s 28 (3).

Agreement requires government decision-makers to accept that they do not know what is best for Aboriginal and Torres Strait Islander [Peoples].”¹⁴

The *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review* prepared by Jumbunna Institute for Indigenous Education and Research, UTS, was released in June 2025. The report outlined that the Closing the Gap architecture is sound but is inhibited by inaction:

“The architecture under Closing the Gap and the 2020 National Agreement is broadly sound and provides a solid framework supported by all Parties, but the implementation challenges identified in both this Review and the 2024 Productivity Commission Review reflect a deeper tension between fundamentally different worldviews: a state-centric approach grounded in settler governance structures, and a First Nations vision rooted in human rights, self-determination and sovereignty. The Priority Reform areas provide a roadmap for elevating the latter. To achieve this, governments must rethink what genuine partnership entails; moving beyond inclusion within existing systems and toward reimagining those systems. This transformation continues to be constrained by the state’s reluctance to de-centre its authority. Forgoing power in favour of partnership is urgently needed. There is an existing roadmap for governments in pre-existing commitments to international human rights instruments.”¹⁵

Working in partnership with Aboriginal and Torres Strait Islander Peoples is already resulting in powerful outcomes in the child safety setting in Queensland. For example, through the progressive implementation of Delegated Authority, the development of *Our Way, A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037*,¹⁶ investment in Family Wellbeing Services, and development of the Family Participation Program. This positive momentum must continue onwards.

In addition to robust engagement and partnership with Aboriginal and Torres Strait Islander Peoples, we strongly encourage early connections with leading organisations and individuals who can provide guidance to ensure meaningful, supported, culturally safe and trauma informed engagement activities that can illuminate diverse perspectives including in relation to disability and multicultural community experiences of the child safety system, and the perspectives of young people and families with lived experience of the system.

QCOSS has received feedback from members on the need to ensure there are different mechanisms for diverse communities to engage with the Inquiry and a need to ensure the right support is in place to assist with engagement. A human rights informed approach to engagement can assist in this regard. It would be helpful to understand opportunities to engage with the Inquiry outside of formal submission and public hearing processes, as the formality of these mechanisms may pose barriers to engagement for many in the community.

The community service sector looks forward to engaging with the Inquiry

Based on early engagement with our members, we understand that many in the community services sector look forward to engaging with the Inquiry. This includes organisations that work directly in the child protection sector, as well as organisations that work in adjacent or intersecting areas of community service. Our sector can bring invaluable insight from their specific perspectives. Further, major levers to address over-reliance of the child safety system exist outside of the statutory system. For example, investment in areas such as housing, Family Wellbeing Services and other health services, and measures to address socio-economic disadvantage.

¹⁴ Australian Government. (2024). Review of the National Agreement on closing the Gap, study report, volume 1. Productivity Commission, p iii.

¹⁵ Jumbunna Institute for Indigenous Education and Research, UTS. (2025). *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review*.
<<https://www.coalitionofpeaks.org.au/independent-review-of-closing-the-gap>>

¹⁶ State of Queensland. (2017). *Our Way, A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037*.
<<https://www.families.qld.gov.au/media/documents/aboriginal-torres-strait-islander-families/supporting-families/our-way.pdf>>

We have heard from members who would like to understand further details about mechanisms of engagement outside of submissions and public hearings. We have heard from members who want to understand how best to engage with planned submission and public hearing opportunities, including when those opportunities are likely to arise, whether public hearings will focus on specific themes, and how many public hearings are likely to occur.

We have also received feedback from members who are preparing to support their communities, clients and service users who want to engage with the Inquiry personally. Our members are keen to understand further information about the Inquiry to ensure they are able to support individuals to engage meaningfully and safely.

The community service sector can play a significant role in helping to shape sound and evidence-based investment, law and policy. Further information on specific elements of the Inquiry and a roadmap of key activities and milestones planned for the Inquiry would be particularly helpful. This would assist the community service sector to determine how they can best engage with the Commission's important work, and to prepare sustainably and comprehensively for that engagement. QCOSS would be pleased to support the Commission by disseminating information about your plans broadly to the sector.

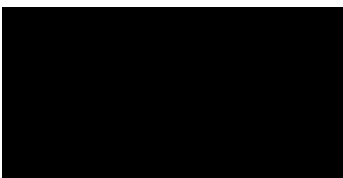
Conclusion

QCOSS and the community service sector looks forward to engaging with the ongoing work of the Commission. The Inquiry presents an opportunity to shape transformational change within the child safety system and in other areas that have the power to reduce over-reliance on the system. We encourage broad and timely communication to interested people and organisations to ensure proper engagement and consultation. We also encourage adoption of a human rights based approach to engagement activities and analysis of reform options.

In relation to the complaints system, we urge the Commission to engage closely with recommendations that are centred on upholding the rights and needs of children, families and communities and that result in an independent and contemporary approach to resolving issues.

Thank you again for the opportunity to provide our submission.

Yours sincerely



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