QIFVLS
Queensland Indigenous Family Violence Legal Service

16 February 2026

Commission Secretariat
Child Safety Commission of Inquiry
By Email: [redacted]

QIFVLS Submission – Corporate parenting and link between the child safety and youth justice systems

Dear Commission Secretariat,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to provide this submission to the Child Safety Commission of Inquiry in response to the Commission's call for submissions on corporate parenting and the link between the child safety and youth justice systems.

Child protection matters constitute the largest component of QIFVLS's legal practice. This reflects the entrenched intersection between family violence, child protection, housing instability, health/mental health, and youth crime. Our frontline experience confirms what multiple inquiries and reviews have already established - child protection involvement is a primary upstream driver of youth justice contact and incarceration, particularly for Aboriginal and Torres Strait Islander children, and most acutely for girls and young women.[2]

The overarching tenor of this submission is that Queensland's child safety system is currently ineffective as a corporate parent. Our position is that rather than preventing harm, system responses too often escalate risk, fracture families, and contribute to care-criminalisation (*"the crossover kids"*). We believe these outcomes are foreseeable and preventable. Furthermore, they are inconsistent with community expectations, the Aboriginal and Torres Strait Islander Child Placement Principle, Queensland's *Human Rights Act 2019*, as well as Queensland's commitments under Targets 11 and 12 of the National Agreement on Closing the Gap.

QIFVLS urges the Commission to recommend reforms that prioritise:

- early, culturally safe intervention;
- community-led decision-making; and
- clear accountability for outcomes, particularly for children in residential care and children known to both the child safety and youth justice systems.

1. Summary of QIFVLS Recommendations

QIFVLS makes the following recommendations in the belief that advancing these reforms is necessary to strengthen corporate parenting, prevent care-criminalisation, and ensure Aboriginal and Torres Strait Islander children grow up safe, connected to family, culture and Country with the ability to realise their dreams and goals reaching their fullest potential:

1. **Reform corporate parenting obligations** - The Department's role as corporate parent be reframed to prioritise restoration, reunification and cultural connection, with clear accountability for preventing foreseeable harm, including criminalisation.
2. **Establish an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme** - An opt-out Child Protection Notification and Referral Scheme be established, modelled on the Custody Notification Service, requiring Child Safety to provide warm referrals to QIFVLS or another relevant ACCO at the earliest point of child protection contact. We have raised the establishment of a Child Protection Notification and Referral Scheme in previous submissions and in giving evidence before the Commission's public hearings.
3. **Prioritise early, culturally safe intervention over removal** - Early intervention responses should be resourced and mandated to address DFV, housing instability, mental health and poverty before removal is considered, particularly where the non-offending parent is a victim-survivor of domestic and family violence.
4. **Strengthen ACCO-led decision-making and delegated authority** - Genuine decision-making authority be transferred to Aboriginal and Torres Strait Islander Community-Controlled Organisations, including in family group meetings (FGMs), case planning and placement decisions.
5. **Embed cultural safety as a core operational requirement** - All Child Safety staff should undertake ongoing cultural capability training co-designed and delivered by ACCOs, and that Cultural Practice Advisors be elevated within decision-making structures.
6. **Reduce reliance on non-family-based (residential) care** - Residential care, in its current model, should only be used as an absolute last resort given its current deficiencies which have been raised in the public hearings and the submissions provided. Strict safeguards must be implemented to prevent age-mixing, geographic displacement and exposure to criminalisation risks.
7. **Reform the Child Protection Litigation (CPL) model** - The interaction between Child Safety, OCFOS and DCPL be reviewed to address fragmentation, duplication, delays, cultural safety concerns and failures to comply with court orders.
8. **Establish a specialist, therapeutic child protection court** - Queensland should consider establishing a specialist child protection court providing a culturally safe, therapeutic forum for Aboriginal and Torres Strait Islander children and families, drawing on models such as Victoria's Marram-Ngala Ganbu (MNG) Court and Western Australia's Dandjoo Bidi-Ak court.
9. **Embed Closing the Gap Priority Reform 3 across the child safety system** - All reforms be implemented consistently with Priority Reform 3 of the National Agreement on Closing the Gap, including shared decision-making, accountability and transformation of mainstream institutions.

2. Family Violence as the Cornerstone

Evidence provided by departmental officials during the Commission of Inquiry's public hearings has confirmed our long-held view that Family violence is a central driver of Aboriginal and Torres Strait Islander children entering the child protection system. 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 violence.[1] This accords with QIFVLS's practice experience, where child protection involvement almost invariably arises in the context of DFV, often compounded by housing insecurity, poverty/low economic participation and limited access to services.

In addition the prevalence of domestic and family violence in the context of young people known to both the youth justice system and the child protection system was recently examined by the Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board who examined the cases of six (6) teenagers between the ages of 13-17 years at the time of their deaths in Queensland either through suicide (2/6) or transport incidents (4/6). Of the 6, 2 of the teenagers identified as Aboriginal and or Torres Strait Islander. All 6 teenagers importantly had experienced domestic and family violence and were engaged in criminal behaviours with 5 teenagers being known to the youth justice system:

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[1] 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*

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Experiences of six teenagers who died by suicide or in motor vehicle incidents

All six teenagers:

- experienced abuse or neglect by a parent or parental figure
- experienced domestic and family violence in their homes and/or extended families
- were exposed to problematic parental alcohol or substance use during their lives
- engaged in criminal behaviours.

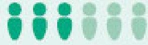
Five of the teenagers:

- had at least one parent involved in the criminal justice system (two parents were incarcerated during the review period)
- used volatile substances, illicit drugs or alcohol (all were affected by substances at the time of their deaths)
- were neurodivergent or had learning, speech or cognitive issues (one acquired through the impacts of a shooting where he was critically injured)
- were known to the youth justice system
- were not engaged in schooling or education at the time of their death.

Four of the teenagers:

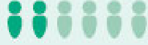
- spent time in youth detention in the year before their death
- experienced some level of mental ill-health, with one young person having a diagnosed mental health condition and all four experiencing suicidal ideations and issues related to substance use
- had experienced parental separation
- had parents who were known to the child protection system as subject children.

Three of the teenagers:



- were exposed to suicidal behaviours or suicide deaths in their family.

Two of the teenagers:



- experienced the death of a parent.

Of heightened relevance, QIFVLS posits are the following passages from the Queensland Child Death Review Board in its 2024-2025 Annual Report:

"...multiple and recurring touch points in their lives that preceded their involvement with the justice system. These included early signs of ***domestic and family violence, involvement of youth justice and/ or child protection services,*** *indicators of mental ill-health or neurodivergence, and harmful associations with peer groups engaging in antisocial behaviour. Disengagement from school often occurred alongside increasing contact with police, substance misuse and emerging offence histories.[2]"* *[Emphasis mine]*

[2] Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board, page 76.

From our clients' perspectives, engagement with the child safety system is frequently experienced as punitive rather than protective. Many of our clients report a reluctance to disclose violence or seek assistance due to genuine fears that doing so will result in the removal of their children. This dynamic entrenches isolation, undermines safety planning, and perpetuates harm.

We note that these concerns have been consistently raised by Aboriginal and Torres Strait Islander organisations and were echoed in the findings of the Queensland Women's Safety and Justice Taskforce in the *Hear Her Voice Reports*, which identified the criminalisation of victim-survivors and the misuse of child protection responses as a recurring theme.[3]

In regional, rural and remote communities, these risks are exacerbated by limited availability of domestic and family violence (DFV) support services, inconsistent police presence, and delays in service responses.[4] Rather than responding holistically to family violence, the system too often penalises victim-survivors, resulting in removal of their children rather than restoration.

3. Corporate Parenting: Legal and Community Expectations

Foundationally, we note that when the State intervenes in a child's life through the child protection system, it assumes a corporate parenting role. This role carries positive obligations to ensure safety, stability, cultural connection, and wellbeing, and to prevent foreseeable harm.

At a minimum, we expect that as a corporate parent, the state will:

- keep children connected to family, kin and Country;
- prioritise restoration and reunification wherever safe;
- ensure stability of care and relationships;
- prevent foreseeable harm, including criminalisation.

These reasonable expectations are reflected in the Aboriginal and Torres Strait Islander Child Placement Principle, which are embedded with the *Child Protection* Act, and the Queensland *Human Rights* Act *2019*.

QIFVLS's experience though, indicates that these obligations are not being uniformly met in practice, particularly for children placed in non-family-based residential care and children known to both the child safety and youth justice systems.

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[3] Women's Safety and Justice Taskforce (2022), *Hear Her Voice Report Two,* *https://www.womenstaskforce.qld.gov.au/__data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf*

[4] Australian Institute of Health and Welfare, *Alcohol and Other Drug Use in Regional and Remote Australia* (2016–17)

4. The Link Between Child Safety and Youth Justice: Evidence of Care-Criminalisation

4.1 Child protection involvement as a predictor of imprisonment

Our observations on the frontline regarding the relationship between child protection involvement and youth detention are supported by evidence. The then Queensland Productivity Commission found that approximately 50 per cent of prisoners had prior contact with child protection or mental health systems, rising to 75 per cent for Aboriginal and Torres Strait Islander women.[5]

Further analysis confirms that child protection involvement overwhelmingly precedes criminal justice contact. A cohort study of individuals born in Queensland in 1990 found that 60 per cent of Aboriginal and Torres Strait Islander women in prison had a child protection history.[6]

These findings establish clear foreseeability. The State encounters children at risk well before criminal justice involvement occurs, yet fails to intervene in ways that prevent escalation.

Additionally, the Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board further identified:

"...recurring evidence of children and young people who displayed complex or challenging behaviours often termed 'high-risk' behaviours. In reviewing the teenagers' lives, a connection between their experiences and the adversity they faced is apparent. Their stories highlight shared experiences of childhood trauma, grief, loss and disconnection, and the lasting impacts of intergenerational trauma across their families. The challenges of their childhoods, absence of protective factors, and ineffective system responses contributed to trajectories of school disengagement, risk-taking behaviours, criminal offending, seeking connection with anti-social peer networks, and increasing risk of exploitation.

The cases reviewed this year reflect a broader cohort of children and young people in Queensland who have multiple, high and complex needs that are that are not being affectively addressed by any single government department. This points to a systemic gap, where the service system does not deliver adequate support or take clear responsibility for this cohort.[7]"

The Queensland Child Death Review Board (the Board) made 9 recommendations in its 2024-2025 report and emphatically called for a co-ordinated (particularly across the various government agencies) and collaborative cross sector approach involving government agencies,

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[5] Queensland Productivity Commission, *Imprisonment and Recidivism* (2019) page x
[6] Queensland Productivity Commission, *Imprisonment and Recidivism* (2019) p 408
[7] Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board, page 64

families, communities and local support services. The Board noted that "...*the absence of such collaboration makes later child protection efforts more difficult and less effective.*[8]"

In addition the Board noted the overwhelming importance of early intervention and healing, which:

"...can help to reduce long term impact of harm from adverse childhood experiences...[and that] [c]ulturally responsive therapeutic programs, particularly those embedded in schools, community hubs and Aboriginal Community Controlled Organisations, can help children process adversity, build resilience and strengthen their sense of identity and belonging. When healing is integrated into early intervention, it not only supports individual wellbeing but also breaks cycles of intergenerational trauma and disadvantage.[9]"

5. Children Known to Both the Child Safety and Youth Justice Systems

The Commission has asked whether there is a link between the child safety system and the youth justice system, including whether elements of the child safety system operate as a "feeder" into youth justice. QIFVLS's experience, supported by the Queensland-specific data, is that such a link exists and is both structural and foreseeable.

Queensland and national monitoring identify a strong crossover between child protection and youth justice. The Australian Institute of Health and Welfare (AIHW) found that 65% of young people under youth-justice supervision in 2022–23 had interacted with the child-protection system in the preceding 10 years, and about half of those in detention had a substantiated notification for abuse or neglect in that period. In the same dataset 27% had been subject to a care and protection order and 25% had been in out-of-home care in the last decade. These data confirm that youth-justice involvement is frequently the culmination of earlier system contact and unmet needs, rather than an isolated event.[10]

Children subject to dual system involvement experience fragmented decision-making, inconsistent information sharing, and heightened surveillance without corresponding support. QIFVLS has observed that information sharing between Child Safety, youth justice, the Office of the Child and Family Official Solicitor (OCFOS) and the Director of Child Protection Litigation (DCPL) is often reactive, inconsistent, and insufficiently child-centred. Rather than operating as a protective safety net, dual system involvement frequently compounds harm and trauma.

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[8] Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board, page 71

[9] Queensland Child Death Review Board (Queensland Family and Child Commission) Annual Report 2024-2025 Systemic findings, insights and recommendations of the Queensland Child Death Review Board, page 71

[10] Australian Institute of Health and Welfare, *Young people under youth justice supervision and their interaction with the child protection system 2022–23* (AIHW, Canberra, 2024), DOI: 10.25816/gs60-xv16.

For Aboriginal and Torres Strait Islander children, this fragmentation is particularly acute. Cultural context, kinship knowledge and community-held information are frequently sidelined, resulting in decisions that escalate risk rather than mitigate it.

5.1 Bail, residence conditions and self-placing

Bail practice is a recurring, practical point of intersection between the child safety and youth justice systems. In Queensland, bail conditions commonly require a child to *"reside at an address as directed by Child Safety."* In practice, that direction often means placement in a residential care facility. For many children, residential care is experienced as unsafe, alienating or retraumatising. Homesickness, bullying and exposure to older peers are frequently reported. When a child who dislikes or fears residential care self-places with parents or kin, they commonly breach bail conditions and are then criminalised for that breach.

This dynamic is not merely anecdotal; it is a foreseeable consequence of placing children in settings they will not accept and then making compliance with that placement a condition of bail. The result is a perverse incentive structure: removal and placement intended to protect a child can become the immediate trigger for youth-justice contact.

Queensland's system is inconsistent in its response to this problem. Other jurisdictions have adopted more integrated court and legal-service arrangements that reduce the risk of bail breaches becoming a pathway to detention. For example, in Victoria youth justice and child protection matters are often heard on the same day before the same magistrate. Additionally, Victoria Legal Aid's (VLA) structures enable continuity of VLA representation across child protection and youth justice matters. These arrangements recognise the inextricable links between the two systems and reduce the likelihood that administrative placement decisions will be converted into criminal offences. Queensland should adopt comparable, child-centred arrangements: bail practice must be reformed so that placement decisions are not automatically enforced through criminal sanction, and legal and court structures should be reconfigured to enable continuity of representation and judicial familiarity with a child's full circumstances.

6. Children in Non-Family-Based (Residential) Care

6.1 Residential care as a pathway to criminalisation

The Commission has specifically sought submissions on the Department's effectiveness as a corporate parent for children placed in non-family-based (residential) care. QIFVLS' experience is that residential care frequently functions as a pathway to criminalisation rather than a protective placement.

Children removed due to family violence concerns, particularly where placed in residential care, are at heightened risk of subsequent youth justice involvement. QIFVLS has observed

children with no prior justice contact become criminalised after placement in residential settings where they are exposed to older peers, inadequate supervision, and unmet therapeutic needs.

We are aware of children under the age of twelve who have been placed in residential units with significantly older teenagers, exposing them to violence, exploitation and trauma. Once criminalised, these children are more likely to cycle between residential care, police custody and youth detention, entrenching system contact.

6.2 Displacement from Country and community

In Far North Queensland and the Torres Strait, QIFVLS has observed children removed from their communities and placed hundreds of kilometres away, including children from the Torres Strait placed as far south as Rockhampton. Such placements sever connection to family, kin, culture and Country, and significantly undermine wellbeing.

This is compounded when parents frequently lack the financial means to maintain contact with children placed at such distances. Child Safety rarely intervenes to facilitate meaningful contact, resulting in prolonged separation and erosion of family relationships. These practices are inconsistent with section 28 of the Queensland *Human Rights* Act 2019 and the Aboriginal and Torres Strait Islander Placement Principle.[11]

6.3 Case Study: Mount Isa – Systemic Failure in Corporate Parenting

Our staff on the frontline observe an interconnected system whereby children are removed from their parents' (predominantly mothers) care due to concerns about family violence experienced by the parent. We see the next step being children placed in residential care. Shortly after being placed in residential care, we observe children with no criminal history or engagement with police finding themselves charged with criminal offences. Thus, we are witnessing a situation where the State is removing children from their parents/family/kinship structures and whilst subsequently in the State's care, the children are introduced to the criminal justice system.

To highlight our concerns, we raise a 2023 matter in Mount Isa, where a magistrate voiced concerns about placing children in watchhouses with adult detainees. That particular case related to a 15-year-old Aboriginal girl whose introduction to the criminal justice system only began after Child Safety placed her into a residential care home full of known juvenile property offenders.[12]

The reporting of the above case highlighted concerns regarding the adequacy of oversight, information-sharing and protective responses for a child known to the child safety system. The matter underscores the consequences of systemic failure to act on known risk, and the limitations of a model that prioritises placement over protection.

[11] *Human Rights Act 2019* (QLD), s 28.
[12] https://www.qlsproctor.com.au/2023/02/court-life-of-youth-crime-started-while-in-care/

From QIFVLS's perspective, the Mount Isa case is not an anomaly. Rather, it reflects broader structural issues within the child safety system, including:

- insufficient scrutiny of residential care environments;
- fragmented accountability across agencies;
- failure to respond decisively to escalating risk; and
- inadequate mechanisms to ensure that corporate parenting obligations are actively discharged.

The case reinforces the need for stronger oversight, clearer accountability and a fundamental shift away from reliance on residential care, in its current model, as a default response. It also highlights the importance of early, culturally safe intervention and community-led decision-making to prevent harm before it escalates.

7. Experiences of Children, Carers and Communities

7.1 Experiences of children in care

Children and young people consistently tell QIFVLS they want to remain on Country, surrounded by family, friends and community. Instead, they experience instability, separation from siblings, and repeated placement changes. Teenagers transitioning out of care are often outsourced to external agencies, requiring them to retell traumatic histories to new workers, thereby compounding harm.

7.2 Experiences of kinship carers and residential care workers

Kinship carers face bureaucratic delays, inadequate support, and unclear authority. Delays in kinship assessments and court processes have resulted in children being placed in residential care as a first resort, rather than with family.

Our further observations are that residential care workers are frequently under-resourced and ill-equipped to manage trauma-affected children, increasing risks to children, staff and surrounding communities. These challenges are not the result of individual failure, but of system design.

7.3 Community impacts

The Commission has also sought submissions on the experiences of community members affected by the conduct of children and young people housed in residential care facilities. QIFVLS finds it regrettable that media and community concern is often directed at children rather than the system that placed them in unsuitable environments without adequate support. We believe that an optimal corporate parenting response must address these systemic drivers rather than existing as a party to further criminalising children.

8. System Culture, Workforce Instability and Information Sharing

8.1 Culture within Child Safety

QIFVLS observes an entrenched risk-averse and adversarial culture within Child Safety that prioritises removal over restoration. Cultural Practice Advisors have reported being sidelined, with their expertise ignored in assessments and planning. Delegated authority arrangements often defer substantive decision-making back to the Department, undermining the promise of community control.

These issues align with findings of the Australian Productivity Commission's review of the National Agreement on Closing the Gap, which identified the need to transform mainstream institutions and embed genuine shared decision-making.[13]

9. Reform Framework and Recommendations

9.1 Child Protection Notification and Referral Scheme

QIFVLS strongly supports the establishment of an Aboriginal and Torres Strait Islander Child Protection Notification and Referral Scheme, modelled on the Custody Notification Service. This scheme has been a feature of our previous submissions to this Commission, alongside the evidence I provided at the Cairns public hearing.

Such a scheme would require Child Safety to provide warm referrals to QIFVLS or another relevant ACCO for all Aboriginal and Torres Strait Islander parents and carers at the earliest point of child protection contact. We note that when questioned in evidence, Departmental officials would be open to such a scheme provided that matters such as consent can be resolved. This reform aligns with Priority Reform 3 of the National Agreement on Closing the Gap.

9.2 ACCO-led, place-based responses

Structural reform must transfer genuine decision-making authority to ACCOs, including in family group meetings, case planning and placement decisions. Community-led, place-based models are essential to addressing the regional variation in child protection involvement and outcomes.

9.3 Accountability and specialist responses

QIFVLS supports:

- Strengthened Child Safe Standards across child protection and residential care settings;

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[13] Australian Productivity Commission, *Review of the National Agreement on Closing the Gap* (2024).

- Independent oversight with enforcement capability;
- Review of the Child Protection Litigation model to address fragmentation between Child Safety, OCFOS and DCPL;
- Consideration of a specialist, therapeutic child protection court, drawing on models such as Victoria's Marram Ngala Ganbu (MNG) Court and Western Australia's Dandjoo Bidi-Ak court.[15]

10. Conclusion

Queensland does not lack evidence about the drivers of child protection involvement and youth justice contact. What is lacking is co-ordinated, holistic implementation, discipline and accountability, with at its heart, achieving the *best interests of the child*. It must be remembered that at the end of the day, children are going in to a system which, from our experience, is doing more harm than good. These children are our collective responsibility and we must not loose sight of that fact.

QIFVLS urges the Commission to recommend reforms that prioritise early, culturally safe intervention; community-led decision-making; and genuine corporate parenting responsibility. These reforms are essential to prevent care-criminalisation and ensure Aboriginal and Torres Strait Islander children grow up safe, connected, and supported within their families and communities.

If you would like to discuss our response further, please don't hesitate to contact me at

Yours faithfully

Queensland Indigenous Family Violence Legal Service

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Executive Director Legal