



Child Safety Inquiry – Adoption & permanency

Submission from the IUIH Network

March 2026



Moreton
ATSICHS



Yulu-Burri-Ba
Aboriginal Corporation for Central Queensland



KALWUN



**PAMELA MAM
HEALTH CENTRE**

Acknowledgement of Country

We respectfully acknowledge the Traditional Custodians of the lands of the many Goori Nations, whose ancestral lands and waters we have the privilege to live and work across here in Southeast Queensland.

We pay our deepest respects to their Elders, past and present, and recognise their continuing connection to culture, community, and Country.

The Institute for Urban Indigenous Health (IUIH) Network acknowledges and pays our deepest respects to Elders past and present throughout the country. We recognise and acknowledge the sovereignty of Aboriginal and Torres Strait Islander people as the original custodians of the country. We also extend our respect to all Aboriginal and Torres Strait Islander peoples and acknowledge their unique and valuable contributions to our society.

Terminology

Throughout this submission, the terms Aboriginal and Torres Strait Islander, First Nations and Indigenous are used interchangeably with respect towards the diversity of cultures and identities across Queensland and Australia.

Aboriginal and Torres Strait Islander cultures are persistent and enduring, continuing unbroken from the past to the present, characterised by resilience and a strong sense of purpose and identity despite the undeniably negative impacts of colonisation and dispossession. Aboriginal and Torres Strait Islander people throughout the country represent a diverse range of people, communities and groups, each with unique identities, cultural practices and spiritualities. We recognise that past and present practices and policies have significantly impacted the current health status of Aboriginal and Torres Strait Islander people.

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Abbreviations

AMS	Aboriginal Medical Service
ATSICHS Brisbane	Aboriginal and Torres Strait Islander Community Health Service, Brisbane
ATSICPP	Aboriginal and Torres Strait Islander Child Placement Principle
BiOC	Birth in Our Community
CHQ	Children’s Health Queensland
CSO	Child Safe Organisation
ED	Emergency department
FC4F	Family Caring for Family program (ATSICHS Brisbane)
FLDM	Family Led Decision Making
IUIH	Institute for Urban Indigenous Health
Kalwun	Kalwun Development Corporation
MATSICHS	Moreton Aboriginal and Torres Strait Islander Health Service
OOHC	Out-of-home care
QATSICPP	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
WAYS	Wrap Around Youth Service
Yulu-Burri-Ba	Yulu-Burri-Ba Aboriginal Corporation for Community Health

Background to the UIH Network submission

It has been more than a decade since the last State Government Inquiry into Queensland’s child protection system (the Carmody Inquiry, 2012) but there has been little felt impact or tangible change for Aboriginal and Torres Strait Islander children, young people, their families, their Communities **It is unconscionable that Aboriginal and Torres Strait Islander children and young people in Queensland continue to be disproportionately overrepresented in the State’s child protection system.**³ Thus, the work of *this* Commission of Inquiry is time critical.

The forcible removal by government of any child from their home remains one of the most devastating life events, and the forcible separation of an Aboriginal and Torres Strait Islander child from their family, kin, and community into OOHC should be an intervention of absolute last resort.⁴

Aboriginal and Torres Strait Islander children removed from their families experience poorer psychological, physical, and social outcomes than their non-Indigenous counterpart.⁵

Cultural connection is a fundamental protective factor in child development for Aboriginal and Torres Strait Islander children and young people; and especially for Aboriginal and Torres Strait Islander children and young people in OOHC.⁶

It is painfully obvious to Aboriginal and Torres Strait Islander Communities why OOHC for Aboriginal and Torres Strait Islander children and young people must be led by Community-Controlled service providers.⁷ **Aboriginal and Torres Strait Islander Community-Controlled Organisations throughout Queensland are best equipped to protect and promote the cultural connection and safety of Indigenous children and young people in OOHC, and the Community-Controlled sector must play a leadership role.**⁸ Where a child has been removed, “*priority and resources must be given to working with families and Community-Controlled organisations to achieve family reunification or finding supportive kin who can care for the child*”.⁹ Governments (State and Federal) have committed, through Closing the Gap, to systematic and structural transformation of mainstream government agencies and institutions to ensure they are culturally safe and responsive to the needs and priorities of Aboriginal and Torres Strait Islander people.

A critical step is transitioning leadership of child protection matters that are about us to us.

³ Our children and young people are more than 5 times as likely to have a child protection notification and over 10 times as likely to be in out-of-home care (OOHC) or subject to a third-party parental responsibility order compared to non-Indigenous children: See SNAICC – National Voice for our Children (2024) *Family Matters Report 2024*. Available: <https://www.snaicc.org.au/wp-content/uploads/2025/02/250207-Family-Matters-Report-2024.pdf>.

⁴ Sammut J (2010) The fog of child protection politics. *Journal of Public Policy* 26(2):41–44; UN Convention on the Rights of the Child (1989).

⁵ Barber JG et al (2000) Aboriginal and non-Aboriginal children in out-of-home care. *Children Australia* 25(3):5–10.

⁶ Krakouer J et al (2022) Resistance to Assimilation: Expanding Understandings of First Nations Cultural Connection in Child Protection and Out-of-home Care. *Australian Social Work Journal* 76(3):343–357; Hunter SA et al (2021) A conceptual model of protective factors within Aboriginal and Torres Strait Islander culture that build strength. *Journal of Cross-Cultural Psychology* 52(8–9):726–751; Krakouer J et al (2018) “We live and breathe through culture”: Conceptualising cultural connection for Indigenous children in out-of-home care. *Australian Social Work Journal* 71(3):265–276.

⁷ See (e.g.) Bath H & Seita J (2018) *The three pillars of transforming care*. UW Faculty of Education Publishing, The University of Winnipeg: Canada; Anaya J (2010) Observations on the Northern Territory emergency response in Australia (February 2010). UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Available: https://www.nccca.org.au/files/Natsiec/NTER_Observations_FINAL_by_SR_Anaya_.pdf; Perche D (2017) Ten Years on, it’s time we learned the lessons from the failed northern territory intervention. *The Conversation* (Online) (June 26).

⁸ Creamer S et al (2022) Indigenous services leading the way for Aboriginal and Torres Strait Islander children in out-of-home care. *Social Work and Education Journal* Available: <https://doi.org/10.1080/02615479.2022.2155129>.

⁹ Lewis N (2025) Submission to the Commission of Inquiry into Queensland’s Child Safety System | *Adequacy of existing complaints systems, procedures, and incident reporting guidelines for children under the care of the state*. 1 August 2025.

The UIIH Network is committed to reducing the over-representation of Indigenous children in Queensland’s child protection system. We know that the current child protection system is not working for Community. We support collective efforts to achieve the ‘Our Way’ vision that all Aboriginal and Torres Strait Islander children and young people in Queensland grow up safe and cared for in Family, Community, and Culture.¹⁰

As a collective body of Aboriginal and Torres Strait Islander community-controlled health organizations, the UIIH Network supports Aboriginal and Torres Strait Islander children and families who are navigating child protection involvement, OOHC and, in many cases, contact with the youth justice system. Aboriginal and Torres Strait Islander children continue to be significantly overrepresented in both the child protection *and* youth justice systems. This overrepresentation is not the result of cultural failure or poor parenting, but reflects the ongoing impacts of colonization, intergenerational trauma, systemic racism and policies that continue to separate children from family, culture and community.

The following submission is informed by extensive consultation with UIIH Network partner organisations ATSIHCS Brisbane, Moreton ATSIHCS, Yulu-Burri-Ba and Kalwun. A broad cross-section of staff who interface with Child Safety have been consulted, including General Managers, Kinship Care Managers, Youth Services Managers, UIIH Legal Services Manager, Clinic Practice Managers, and Healthcare Quality and Safety Coordinators. The perspectives shared in this submission are grounded in lived experience, cultural knowledge, and frontline practice.

This submission responds directly to the Commission’s interest in adoption and permanency pathways, particularly where adoption is presented as a preferred or underutilised pathway. Suggestions of obligated or forced adoption particularly raise serious concerns when viewed in the context of the historical discriminatory and racist experiences of Aboriginal and Torres Strait Islander peoples and families.

¹⁰ Queensland Government. *Our Way | A generational strategy for Aboriginal and Torres Strait Islander children and families 2017 – 2037*. Available: <https://www.families.qld.gov.au/media/documents/aboriginal-torres-strait-islander-families/supporting-families/our-way.pdf>. The second implementation phase of *Our Way, Breaking Cycles 2023-2031*, builds on the foundations for transformational change in the child protection system set under the earlier *Changing Tracks* actions plans, with a focus on changing the way that services are designed, developed and delivered in partnership with Aboriginal and Torres Strait Islander children, young people and families by government and non-government organisations. However, these words on paper need to be put into practice.

IUIH Network Recommendations

Recommendation 1: That suggestion of compelled adoption - where parental consent is overridden by State Government or judicial system – risks echoing past trauma and harms and affirming Queensland’s broken child protection system among Aboriginal and Torres Strait Islander peoples and communities.

Recommendation 2: That any new or amended policies or laws in the State of Queensland that seek to compel child adoption will be inconsistent with the human rights and fundamental human dignity of Aboriginal and Torres Strait Islander peoples as protected and promoted under the *Human Rights Act 2019* (Qld), specifically the intersectional and interdependent rights found in *section 26 - Protection of families and children* and *section 28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples* of that Act.

Recommendation 3: That the Child Safety Commission of Inquiry acknowledge and respect Torres Strait Islander cultural adoption practices, such as Kupai Omasker, which are grounded in Queensland law and thousands of years of cultural practice.

Recommendation 4: That the strengthening of Aboriginal and Torres Strait Islander family-based care, kinship placements, and culturally supported permanency options remain priority in Queensland. The Permanent Care Orders set out in the *Child Protection Act 1999* (Qld), which do not sever the parental relationship, remain sufficient.

Recommendation 5: To build trust among Aboriginal and Torres Strait Islander peoples and families who are over-represented in a broken child protection system, Queensland Government reforms must prioritise adequate, fit-for-purpose resource and investment in Aboriginal and Torres Strait Islander Community Controlled Organisations throughout Queensland.

Recommendation 6: To drive meaningful child protection system reform in Queensland, including a shift away from system-centred and risk-averse models toward culturally led, Community-Controlled approaches, the Queensland Government must prioritise strong investment in prevention and early intervention, including Aboriginal and Torres Strait Islander Family Led Decision Making. This is consistent with government commitment under the Our Way (2017-2037) strategy, the National Framework for Protecting Australia’s Children 2021-2031, Aboriginal and Torres Strait Islander Child Placement Principle (‘Child Placement Principle’) in the *Child Protection Act 1999* (Qld), and sections 26 and 28 of the *Human Rights Act 1999* (Qld).

Recommendation 7: That there is expansion and increased investment in Aboriginal and Torres Strait Islander Family Led Decision Making (FLDM) throughout Queensland.

IUIH Network submission

Our position on the adoption, including forced adoption, of Aboriginal and Torres Strait Islander children and young people in Queensland's OOHC system

The IUIH Network is concerned with the Child Safety Commission of Inquiry's focus on adoption and permanency pathways, particularly where adoption is presented as a preferred or underutilised pathway. Suggestions of obligated or forced adoption particularly raise serious concerns when viewed in the context of the historical, discriminatory and racist experiences of Aboriginal and Torres Strait Islander peoples and families.

While permanency and stability for children and young people are important goals, **the framing of adoption raises significant concerns for Aboriginal and Torres Strait Islander communities given the historical context of policies that resulted in the forcible separation of First Nations children from family, Country, culture, and identity.**

As Aboriginal and Torres Strait Islander families and communities throughout Queensland are all too painfully aware, historically, policies relating to adoption and permanency have had profound impacts on First Nations families, as well as Aboriginal and Torres Strait Islander peoples' health and wellbeing.¹¹ Policies of forced child removal, 'adoption', and assimilation under the White Australia Policy¹² and throughout the Stolen Generation period have caused deep intergenerational trauma and harm, as well as distrust in contemporary government run child protection systems. This is highlighted in the seminal *Bringing Them Home Report*.¹³

Suggestion of compelled adoption - i.e. where parental consent is overridden by State Government or judicial system – risks (1) echoing past harms and (2) affirming Queensland's broken child protection system among Aboriginal and Torres Strait Islander communities. We submit that new or amended policies or laws that seek to compel adoption in Queensland are wholly inconsistent with the human rights and fundamental human dignity of Aboriginal and Torres Strait Islander people, which is protected and promoted under the *Human Rights Act 2019* (Qld). Here, we make specific reference to *section 26 - Protection of families and children* and *section 28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples*, which should be read together as intersectional and interdependent human rights of and for Aboriginal and Torres Strait Islander children and families in Queensland.¹⁴

It is also important to highlight that Torres Strait Islander cultural adoption practices, such as Kupai Omasker, be acknowledged and respected by the Commission of Inquiry.¹⁵ Torres Strait Islander cultural adoption practices are grounded in longstanding cultural kin systems of kinship, identity, and community responsibility and are fundamentally different from Western adoption frameworks. We submit that the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (Qld) is sufficient, and emphasise that it is Torres Strait Islander communities – like Aboriginal and Torres Strait Islander communities - who are experts on child protection matters involving their communities and peoples.

¹¹ Turnbull-Roberts V, Salter M, Newton BJ (2022) Trauma then and now: Implications of adoption reform for First Nations children. *Child and Family Social Work* 27(2):163-172.

¹² Purcell M (2025) Towards unsettling the racial nation-state: affective interventions in an Australian literature classroom. *Critical Studies in Education* 66(1):54–71.

¹³ Bringing The Home Report (1997). <https://humanrights.gov.au/bringing-them-home/the-report/bringing-them-home-report.html>.

¹⁴ Section 28(2)(c) Human Rights Act 2019 (Qld) specifies that Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community— [...] to enjoy, maintain, control, protect and develop their kinship ties”.

¹⁵ *Kupai Omasker* is legally recognized in Queensland under the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (Qld) – see: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2020-033>.

Recommendation 1: That suggestion of compelled adoption - where parental consent is overridden by State Government or judicial system – risks echoing past trauma and harms and affirming Queensland’s broken child protection system among Aboriginal and Torres Strait Islander peoples and communities.

Recommendation 2: That any new or amended policies or laws in the State of Queensland that seek to compel child adoption will be inconsistent with the human rights and fundamental human dignity of Aboriginal and Torres Strait Islander peoples as protected and promoted under the *Human Rights Act 2019* (Qld), specifically the intersectional and interdependent rights found in *section 26 - Protection of families and children* and *section 28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples* of that Act.

Recommendation 3: That the Child Safety Commission of Inquiry acknowledge and respect Torres Strait Islander cultural adoption practices, such as Kupai Omasker, which are grounded in Queensland law and thousands of years of cultural practice.

Supporting safeguards and hierarchy already in the *Child Protection Act 1999* (Qld)

We strongly recommend that the strengthening of family-based care, kinship placements, and culturally supported permanency options should remain the priority.¹⁶ This is consistent with the Aboriginal and Torres Strait Islander Child Placement Principle (‘Child Placement Principle’) in the *Child Protection Act 1999* (Qld), as well as commitments made by the Australian and State and Territory Governments to strengthen family and community-led responses in the *National Framework for Protecting Australia’s Children 2021–2031*.¹⁷

We submit that the Permanent Care Orders set out in the *Child Protection Act 1999* (Qld) are sufficient. These Orders do not sever the parental relationship; a very positive and important element of Queensland’s current statutory child protection system, especially if kinship carers have been given permanent care. Thus, Permanent Care Orders under the current legislation do allow for permanency/stability for children and young people where appropriate. On the other hand, in addressing Queensland’s broken child protection system, we cannot be confident that alternative legislation regarding Adoption orders would have the key safeguards in place to ensure the safety and wellbeing of Aboriginal and Torres Strait Islander children, or [redacted for the public domain]. We therefore further recommend that the safeguards in the *Adoption Act 2009* (Qld) for children in OOHC should not be overridden, and we support their continuance.¹⁸

Recommendation 4: That the strengthening of Aboriginal and Torres Strait Islander family-based care, kinship placements, and culturally supported permanency options remain priority in Queensland. The Permanent Care Orders set out in the *Child Protection Act 1999* (Qld), which do not sever the parental relationship, remain sufficient.

Strength of Queensland’s Aboriginal and Torres Strait Islander Community Controlled system to support our families who interface, or are at risk of interfacing with, the OOHC system

¹⁶ Beaufile JC, Krakouer J, Kelly L, Kelly M & Hogg D (2025) “We all grow up with our mob because it takes all of us”: First Nations collective kinship in Australia. *Children & Youth Services Review* 169:108059.

¹⁷ *Safe and Supported | The National Framework for Protecting Australia’s Children | 2021-2031*. <https://www.dss.gov.au/child-protection/resource/national-framework-protecting-australias-children-2021-2031>.

¹⁸ Please see sections 39(4), section 50, sections 52-54 of the *Adoption Act 2009* (Qld) - <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2009-029>.

Queensland's *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037* (Our Way) also commits the Government to eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children in OOHC by 2037.¹⁹ That strategy acknowledges –

“[T]hat investment needs to be rebalanced with a greater share provided to universal and secondary services, with a particular focus on prevention and early intervention services. In addition, too little of the current investment goes to community led or controlled organisations, **which are best placed to determine, design and deliver services that will meet the needs of Aboriginal and Torres Strait Islander children, families and communities.**”²⁰ [emphasis added]

Transformative change for First Nations children and families within the child protection system relies on adequately resourced Aboriginal and Torres Strait Islander Community-Controlled Organisations, which are best placed to lead prevention and early intervention services and supports for First Nations children, their family and community.²¹

SNAICC reports that 70% of Intensive Family Support Services and 38% of Family Support Services in Queensland are delivered by Community-Controlled Organisations. While these are promising statistics, the provision of such crucial services by the Community-Controlled sector occurs without adequate funding. Indeed, among Australia's States and Territories, Queensland has the second lowest proportion of expenditure on family support and intensive family support (10.4%).²²

Recommendation 5: To build trust among Aboriginal and Torres Strait Islander peoples and families who are over-represented in a broken child protection system, Queensland Government reforms must prioritise adequate, fit-for-purpose resource and investment in Aboriginal and Torres Strait Islander Community Controlled Organisations throughout Queensland.

Critical importance of Family Led Decision Making and early intervention and prevention

The Carmody Report (2013) recommended the Queensland Government *must* place greater emphasis on increasing prevention and early intervention support services for families to help reduce the number of children in OOHC.²³ Yet almost 15 years after the Carmody report's release, the ongoing disproportionate and catastrophic number of Aboriginal and Torres Strait Islander children in OOHC in Queensland reinforces that imperative remains for State investment in prevention and early intervention. It is shameful that out of all the Australian States and Territories in 2025, Queensland has the highest rate of Aboriginal placement in residential care at 18%.²⁴

¹⁹ However, SNAICC note (ibid) “Since the election of the new Liberal Government in Queensland, there has been ongoing discussion regarding the future of Our Way and Breaking Cycles. DFSDSCS has advised that government remains committed to Our Way, but that a revision and update of the strategy is needed in light of the 2024 change of state government”.

²⁰ Queensland Government. *Our Way | A generational strategy for Aboriginal and Torres Strait Islander children and families 2017 – 2037*. Available: <https://cabinet.qld.gov.au/documents/2017/May/OurWay/Attachments/Strategy.pdf>.

²¹ SNAICC (2025) *Family Matters Report 2025 | Strong, loved and full of potential*. Available: <https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf>; Creamer S et al (2022) Indigenous services leading the way for Aboriginal and Torres Strait Islander children in out-of-home care. *Social Work and Education Journal* Available: <https://doi.org/10.1080/02615479.2022.2155129>.

²² See SNAICC's *Family Matters Report 2025*, page 13.

²³ Carmody T (2013) *Taking Responsibility: A Roadmap for Queensland Child Protection*, June 2023. Brisbane: Queensland Child Protection Commission of Inquiry. Available: http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf

²⁴ SNAICC (2025) *Family Matters Report 2025 | Strong, loved and full of potential*. See page 13. Available: <https://www.snaicc.org.au/wp-content/uploads/2026/01/Family-Matters-Report-2025-v3.pdf>;

Increased investment both in Aboriginal and Torres Strait Islander Community-Controlled Organisations and their leadership of Aboriginal and Torres Strait Islander Family Led Decision Making (FLDM) remains vital. FLDM has been a practice for thousands of years in First Nations cultures around the world. In the Queensland context, FLDM is one response to the Carmody Report's (2013) recommendation that government place greater emphasis on increasing prevention and early intervention support services for families.²⁵ The participation and self-determination of Aboriginal and Torres Strait Islander families in decisions that affect their children, operating within a culturally safe legislative and practice framework with a demonstrated accountability to Aboriginal and Torres Strait Islander people is needed now, more than ever.

Recommendation 6: To drive meaningful child protection system reform in Queensland, including a shift away from system-centred and risk-averse models toward culturally led, Community-Controlled approaches, the Queensland Government must prioritise strong investment in prevention and early intervention, including Aboriginal and Torres Strait Islander Family Led Decision Making. This is consistent with government commitment under the Our Way (2017-2037) strategy, the National Framework for Protecting Australia's Children 2021-2031, Aboriginal and Torres Strait Islander Child Placement Principle ('Child Placement Principle') in the *Child Protection Act 1999* (Qld), and sections 26 and 28 of the *Human Rights Act 1999* (Qld).

Recommendation 7: That there is expansion and increased investment in Aboriginal and Torres Strait Islander Family Led Decision Making (FLDM) throughout Queensland.

²⁵ Carmody T (2013) Taking Responsibility: A Roadmap for Queensland Child Protection, June 2023. Brisbane: Queensland Child Protection Commission of Inquiry. Available: http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf

Appendix 1.

[Text redacted for public dissemination]