

31 October 2025

Our ref: [BDS:HF:FNLPC]

The Honourable Paul Anastassiou KC
Commissioner
Child Safety Commission of Inquiry
GPO Box 783
Brisbane QLD 4000

By email: [REDACTED]

Dear Commissioner

Child Safety Commission of Inquiry – Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle)

I refer to our previous submission dated 20 September 2025 which provided feedback on the complaints mechanism within the child protection system.

This further response has been compiled by the Society's First Nations Legal Policy Committee, whose members have substantial expertise in this area.

The purpose of this submission is to highlight the paramount importance of the Child Placement Principle as the foundational framework necessary to achieve self-determination, safety and wellbeing for Aboriginal and Torres Strait Islander children in the child safety system. The principle's application is particularly relevant when consider the inquiry's focus on reducing the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems, and evaluating progress towards supporting self-determination of Aboriginal and Torres Strait Islander people in child safety matters. Furthermore, the Child Placement Principle must be central to reviewing the effectiveness of legislative provisions designed to strengthen culturally safe placement and maintain connection to family, community and culture, and ensuring genuine family participation in decision-making processes.

The primary concern of the Society and members practising in the children's jurisdiction, is the Department of Child Safety frequently fails to give proper consideration to the child placement principle. It is the Society's strong view that decisions concerning Aboriginal and Torres Strait Islander children and young people must accord with the provisions set out in section 5C of the *Child Protection Act 1999*, and the child placement principles statement therein. It is essential that whenever an Aboriginal and Torres Strait Islander child is removed from their biological parent or parents and placed in out-of-home care, that he or she maintains their connection to their culture of origin to the maximum extent possible.

1. Lack of adherence to the Aboriginal and Torres Strait Islander Child Placement Principle

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The Child Placement Principle, enshrined in the Child Protection Act 1999, is not merely a guideline, it is a legislative obligation and a moral imperative. The Child Placement Principle is a legislated responsibility designed to promote policy and practice that will reduce the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system. Its primary purpose is to keep children connected to their families, communities, cultures and country and to ensure the participation of Aboriginal and Torres Strait Islander people in decisions about their children's care and protection.

The five core elements of the Child Placement Principle are prevention, partnership, placement, participation and connection. These elements are foundational to upholding the rights, identity, and cultural continuity of Aboriginal and Torres Strait Islander children. Importantly, compliance with the principle is a statutory, ethical, and professional duty. This duty should not be derogated from for expediency or ease.

The principle responds to a long-standing and well-documented need to protect Aboriginal and Torres Strait Islander children from systemic disconnection. Its integration into legislation and policy reflects a national commitment to safeguarding the best interests of these children through culturally safe and responsive practices.

Adherence to the principle is essential to:

- Prevent further intergenerational trauma caused by displacement and cultural erasure.
- Ensure meaningful participation of families and communities in decisions affecting their children.
- Preserve the fundamental human rights of self-determination, identity and belonging, access to resources, participation and respect for and protection of culture.

2. Enabling Aboriginal participation and self-determination

The placement principle posits that, if an Aboriginal or Torres Strait Islander child is to be placed in care, the child has a right to be placed with a member of the child's family group. We understand that this does not occur in all circumstances. In some cases, it appears that there has been inadequate consultation with family and community. It is our view that the Department must, in all cases, undertake full and proper formal consultation with family and community leaders before determining that suitable kin carers cannot be located.

In addition, at its earliest convenience, the Department must contact the local Aboriginal and Torres Strait Islander support service to facilitate culturally responsive participation. This approach should be family led, ensuring that both the child and family have their voices heard, and understood.

3. Inconsistent application

We are concerned about the inconsistent application of the Child Placement Principle in Queensland which contributes to the continued overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care.

If a child cannot be placed with family or kin, the Child Placement Principle requires they should be placed within close geographic proximity to their community to maintain cultural and

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relational ties. However, our members report that many children are placed far from their communities, resulting in loss of language, cultural identity, and connection to Country.

These outcomes are not only contrary to the intent of principle, but also discordant with the rights protected under section 28 of the Human Rights Act 2019 (Qld), including the rights of Aboriginal and Torres Strait Islander peoples to preserve, express, and strengthen their culture, identity, language, and kinship connections.

4. Insufficient oversight and accountability

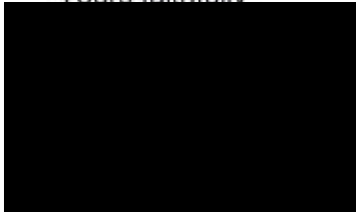
There is currently no independent body responsible for monitoring or investigating adherence to the principle. Compliance is largely self-reported by child safety centres, and there is no clear mechanism for families or communities to raise concerns when the principle is not adhered to.

We strongly recommend non-compliance with the Child Placement Principle be referred to an independent authority such as the Queensland Family and Child Commission or the Queensland Ombudsman, for investigation and ongoing monitoring to ensure consistent and accountable implementation across the child protection system.

We would be pleased to meet with you to discuss these matters further.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genevieve Dee
President