

20 September 2025

Our ref: [BDS:ChLC]

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 - complaints mechanisms within the child protection system

Thank you for the opportunity to provide feedback on the complaints mechanisms within the child protection system.

We intend to provide further submissions about the other Terms of Reference in due course.

This response has been compiled by the QLS Children's Law Committee, Human Rights and Public Law Committee and First Nations Legal Policy Committee, whose members have substantial expertise in this area.

1. An accessible complaints mechanism

The Society has long maintained an accessible complaints mechanism is essential for a functional and effective child protection system.

It is critical the complaints mechanisms be embedded within the child protection framework and be clearly delineated and communicated. Importantly, children and young people must be informed of the procedural avenues available to them for lodging complaints. This will facilitate trust, and by extension, a safer system.

It is paramount there be a structured and transparent response protocol in response to a complaint. This protocol should outline the ensuing procedural stages, as well as timeframes and escalation pathways. A response protocol will mitigate against grievance fatigue.

As noted above, trust is essential in the child protection system. Some of our members have reported occasions where adolescents transitioning from the child protection to the youth justice system are reluctant to engage with mental health services, based in part on their prior subjective experiences that the Department of Child Safety knew of their mental health concerns but provided no assistance.

This underscores why young people must be informed of the procedural mechanisms for grievances. Where a resolution is not in a child's favour, there should be a process to inform them of the outcome, the reasons and other options. Complaints mechanisms should also avoid retraumatising vulnerable individuals whilst maintaining fairness.

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We highlight the need for a complaint mechanism to be included in the Charter of Rights and the Standards of Care contained in the *Child Protection Act 1999*.

2. Aboriginal and Torres Strait Islander families

We are concerned about how residential care and secure care models operate in relation to young children and Aboriginal and Torres Strait Islander families. Drawing on emerging practices in Victoria and longstanding principles of child protection law, we submit the following:

There is an urgent need to establish a distinct and culturally appropriate legal process for First Nations families involved in the child protection system. The current court structures do not adequately reflect the unique cultural, historical, and community contexts of Aboriginal and Torres Strait Islander (ATSI) families. We recommend the adoption of a dedicated child protection court stream for First Nations families, informed by the principles underpinning the Koori Family Hearing Day model and the MGM (Magistrates' Group Model) in Victoria. Such a model would promote culturally safe decision-making and community-led solutions.

Compliance with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) remains inconsistent and must be addressed as a matter of priority. The ATSICPP is not merely aspirational; it is a foundational legal and policy obligation designed to ensure that children remain connected to family, culture, and Country. Mechanisms for monitoring and enforcing compliance must be strengthened.

The overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care is a tragic and systemic failure. The disproportionate representation reflects requires urgent reform and investment, including in early intervention, family-led decision-making, and culturally responsive services.

Leadership within the child protection system must reflect the communities it serves. We call for targeted strategies to increase ATSI leadership across all levels of child protection and care services.

The Terms of Reference (TOR) should explicitly acknowledge the rights of First Nations peoples, particularly their cultural rights enshrined in the Human Rights Act 2019 (Qld).

3. Foster carers

Our members have reported there are inadequate complaint processes for foster carers.

One issue impacting foster carers - especially those caring for young children - is they have very limited options for initiating complaints. Whilst there is an ability to seek to join proceedings under section 113 of the Act, this is often a "missed opportunity" because foster carers are not informed about issues such as current legal proceedings.

Foster carers are also unable to initiate reviews of many Departmental decisions through QCAT. We recommend an expansion of their standing in QCAT to initiate reviews of relevant Departmental decisions to provide greater oversight and accountability for Departmental delegated decision makers.

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4. Placement issues

Our members report persistent concerns about the paucity of placement options for children and young people who have had interactions with the youth justice system. A significant issue is insufficient transparency in how placement decisions are made. This is critical to good governance and a functioning system.

5. Intersection with other systems

There are significant and interrelated issues across child protection, domestic and family violence, and youth justice. In order to ensure successful outcomes, these systems must be coordinated and responsive to the needs of young people. Effective child protection is key to minimising subsequent exposure to the criminal justice system.

6. Oversight

Whilst the Office of the Public Guardian plays a critical role, further oversight is needed. We request clarification about how the work of the Department of Child Safety is monitored and audited. Self-assessment models are inherently limited and by definition limit transparency. Independent monitoring and accountability are non-negotiable mechanisms.

This is exemplified in the provision of case plans. Child Safety coordinate the development of case plans, health reports, and education plans for children and young people. Our members have reported concerns about the prevalence of case plans, health assessments, and educational strategies. These case plans are essential to understand the needs of the young person. Periodic reviews of these plans are important, as well as a mechanism for independent scrutiny. Without the important information contained in a current case plan, the court cannot make informed decisions about what orders should be made or renewed.

7. Human rights considerations

We respectfully submit the TOR should expressly include consideration of human rights compatibility matters, including the rights to access education and to live in safety. These rights are fundamental and must be central to the inquiry's TOR framework.

In addition to the above matters, we also submit the TOR:

- (i) Should be simplified to better support meaningful engagement and effective review;
- (ii) should explicitly include consideration of restrictive practices, particularly in the context of children in care. Recent comparative analyses indicate that children in care are afforded fewer protections against restrictive practices than adults. This disparity must be addressed to ensure that children's rights are upheld equally; and
- (iii) should contemplate a deliberate and adequately funded strategy to ensure that children in care are provided with genuine opportunities to participate in the review. Every child has the right, without discrimination, to the protection required by virtue of being a child, and in accordance with their best interests. Establishing a transparent and accessible complaints mechanism is essential to recognising

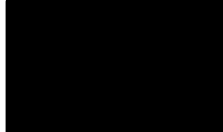
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children as rights-holders and enabling them to enforce their rights within the Child Safety system.

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