The Aboriginal and Torres Strait Islander
Children's Commissioner – Natalie Lewis

Submission to 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

QUEENSLAND Family & Child Commission

OFFICE OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN'S COMMISSIONER

Queensland Government

ACKNOWLEDGEMENT OF COUNTRY

The Office of the Aboriginal and Torres Strait Islander Children's Commissioner acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

Office of the Aboriginal and Torres Strait Islander Children's Commissioner
Queensland Family and Child Commission
PO Box 15217
Brisbane City East QLD 4002
qfcc.qld.gov.au

For more information about this submission please contact:
Amy Lamoin, Executive Director, Office of the Aboriginal and Torres Strait Islander Children's Commissioner
Email: commissioner_OATSICC@qfcc.qld.gov.au
Phone: 07 3900 6000

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Recommendations

1. The Department of Families, Seniors, Disability Services and Child Safety (Child Safety) must adopt a child-safe complaints process as outlined in this submission to ensure compliance with Queensland's new Standards for Child Safe Organisations (CSO). This must also apply to oversight bodies who receive complaints from children and their families.
2. Introduce a clearing house or one-door approach for oversight bodies that accept complaints to simplify the process and reduce barriers to access.
3. Introduce independent oversight of Child Safety's internal complaints process to support accountability and opportunity for system improvement.
4. Publish disaggregated data by complainant (like child or adult) and other characteristics (like age and First Nations status) at least annually as part of an accountable and transparent system.
5. Explicitly consider the disproportionate impact of the child protection system on First Nations children and families in each thematic area explored by the Commission, including discovery and evidence production dedicated to the issue of disproportionate representation of First Nations children across the continuum of statutory child protection intervention. This essential investigation must be undertaken in the knowledge that governments have committed, through **Closing the Gap**, to systemic and structural transformation of mainstream government agencies and institutions to ensure they are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander peoples.

Summary

1. The purpose of this submission is to outline that it is in the best interests of children and young people in the child protection system to have a child-safe complaints process that is accessible, timely, responsive and culturally safe. Irrespective of their situation or protection order type, a child has the right to express their views, including lodging issues, complaints or harm reports, and to receive a timely response or remedy that upholds the child's best interests, rather than what may be convenient, comfortable or risk avoidant for an entity.
2. A quality child-safe complaints system helps fulfil the Standards for Child Safe Organisations 2, 6 and the Universal Principle (see **Appendix 1**) which commence implementation in Queensland on 1 October 2025.
3. Given the disproportionate numbers of Aboriginal and Torres Strait Islander children in the child protection system in Queensland all complaints processes and harm report processes must be culturally safe in accordance with the Universal Principle.
4. Children and their families currently navigate a multi-stage complaint process with no clear escalation pathway. Data shows that few complainants escalate to lodging a formal complaint. Complaints can only go to an external oversight body once the internal stages have been exhausted. This may take weeks or months. Children's safety and access to remedy must not depend on them having to navigate an opaque system.
5. I support the proposal, outlined in section 5(c) of the Commission's terms of reference, for a new independent complaints escalation review process for serious and complex cases. For clarity, an independent complaints escalation review process must be independent of the entire Department of Child Safety. This function, and appropriate resourcing, could be held by an existing oversight body skilled in handling complaints from children and providing one door for all complaints from children.

However, the internal complaints process must also be far more transparent, child-safe and child and family-friendly than at present and be subject to regular external monitoring.

6. Design of a new complaints process must involve children and young people with current or recent experience of the child protection system, using a genuine co-design process. This process should include, but be independent of, Child Safety. Children and young people should also be formally embedded in ongoing oversight and governance of child-safe complaints processes.
7. There are insufficient powers granted to oversight bodies to monitor system effectiveness and intervene in matters affecting children involved in statutory systems, including responses to complaints by children. There is insufficient data transparency to allow oversight bodies to effectively deliver their functions or build public understanding and trust in government. It is a reasonable community expectation that systems with the responsibility for upholding the rights of children are accountable for doing so.
8. There is insufficient accountability of the system to provide the services to children it is meant to, as evidenced by the rolling reviews and inquiries of Child Safety over the last 20 years.
9. States Parties[1] are required to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the *United Nations Convention on the Rights of the Child* (UNCRC) Article 4. Child-safe complaints processes provide the opportunity for remedy and learning. They promote concepts of fairness and justice and build confidence in systems. They support a child's right to be involved in matters affecting them (Article 12) and help to uphold a child's best interests (Article 3). A rights-based approach to system reform would uphold a child's best interests and support system transformation.
10. Children in statutory systems need individual advocates who can advise them, navigate systems alongside them or on their behalf, and intervene where required to compel positive action in the child's best interests. The availability of individual, child focussed advocacy should be understood in the context of duty bearers within intersecting systems and not simply the function of legal advocacy in child protection matters.
11. Our collective aspiration should be to have a system that can distinguish between a child in need of protection and a family in need of support. If families can equitably access quality universal, targeted and specialist support when they need, without prejudice, far more children can remain safe and thriving in the care of their families. Family preservation and family restoration must be understood, particularly in the context of "permanency", as a primary means to promote and protect the rights of children. Maintaining safety, relational continuity and preserving a community of care, grounded in culture, is best achieved through family preservation and, where a child has been removed, undertaking active efforts to facilitate safe reunification. This is the path to genuine transformation.
12. This submission also briefly reflects on the Commission of Inquiry's overall terms of reference. Investigation of the disproportionate representation of First Nations children in child protection (nearly 50% compared to their proportion of Queensland children of just over 8%) is a significant omission from the Terms of Reference.

[1] Where the Commonwealth is a signatory, all Australian states are also responsible for implementation of international treaties (ref Vienna Convention on the Law of Treaties, articles 27 and 29).

Commission of Inquiry Terms of Reference

I wish to briefly reflect on the Commission's terms of reference.

Investigation of the root causes behind the disproportionate representation of First Nations children in child protection (nearly 50% compared to their proportion of Queensland children of just over 8%) is a significant omission from the Terms of Reference. Investigating what the Commissioner described at the opening hearing as this "gross over-representation" is essential to understanding why the numbers of First Nations children in care in Queensland, as well as the overall numbers of children, continue to increase.

For lasting improvement to occur for children and young people in Queensland, a transformed human services system (not only child protection) is needed. Given the disproportionate numbers of children in out-of-home care (and youth justice) are from First Nations families on low incomes, other families on low incomes, and children with disabilities, a truly transformative approach would provide greater financial support for families and health and disability support that is equitable, culturally safe and offered without judgement to all parts of Queensland from a child's birth. This would lead to fewer children being removed from their families. First Nations children and families would be supported by community-controlled organisations and culturally safe organisations and practitioners. 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.

While the Department is mandated to assess the risk of serious harm to a child if they remain in the family home, it should equally assess the risk of intervention and consider whether the possible benefits of removal outweigh the risks inherent in living in out-of-home care. A child rights-based approach requires that the best interests of the child be a primary consideration, and this cannot be assumed to be served through removal alone. Any decision to remove a child must involve a thorough and transparent assessment of whether the possible benefits of removal genuinely outweigh the risks inherent in out-of-home care, including disruption to identity, education, health, and emotional wellbeing.

Currently, the Department struggles to consistently offer long term stable placements, opportunities for a child to develop their cultural identity and knowledge, or access to regular health treatment, disability support or education support. Around 30% of the children in the youth justice system are under the guardianship of the State. Children in out-of-home care face the highest risk of being suspended or excluded from Queensland state schools.[2] Preparing children for their transition out of care when 18 is often not adequate or consistent. Some children, rather than being 'saved' are subjected to further or greater harm while in the care of the state. I will be making a more detailed submission on this topic in due course.

More immediately, it will be impossible to produce transformative recommendations that have not been derived from listening directly to children, young people and families with current or recent experience of the child protection system, including a proportionate number (ie about 50%) of First Nations children and young people. This proportionality must also apply to any case study material. To achieve this sensitively, the Commission of Inquiry would benefit from engaging Aboriginal and Torres Strait Islander advisers and applying the Child Safe Standards[3] to itself, including the Universal Principle.

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[2] Office of the Aboriginal and Torres Strait Islander Children's Commissioner, *Include me, don't exclude me: the experiences of children and young people who have been suspended or excluded from Queensland state schools,* 2025, unpublished, p. 6

[3] Queensland Family and Child Commission, *Child Safe Organisations* website, 21 July 2025, available from **https://www.qfcc.qld.gov.au/childsafe**, viewed 30 July 2025.

Child-safe complaints processes

Children's special and dependent status creates difficulties for them in pursuing remedies for breaches of their rights. States need to give particular attention to ensuring there are effective, child-safe procedures available to children and their representatives.[4] The ***Child Safe Organisations Act 2024*** mandates that entities providing services or facilities to children (under 18) comply with all 10 Child Safe Standards, including Standard 6: Processes to respond to complaints and concerns are child focused, and the Universal Principle.

The following table identifies some key elements of a child safe complaints process and their legislative and rights-based underpinnings.

Elements of a child-safe complaints system	Human rights authority	Legislative authority
Confidential	**QHRA s.25 Privacy and reputation** A person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have their reputation unlawfully attacked.	**Child Protection Act Charter** (o) A child in care has a right to privacy including of their personal information.
Independent	**QHRA Div 2**: the QHRC can accept human rights complaints if agency has not responded or complainant dissatisfied.	**CSO Standard 6**: Policies in place to report complaints and concerns to relevant authorities.
Accessible	**UNCRC GC14** s.15(g) Providing appropriate information to children in a language they can understand, and to their families and caregivers… as well as creating the necessary conditions for children to express their point of view and ensuring that their opinions are given due weight.	**CSO Standard 6**: Processes to respond to complaints and concerns are child-focused.
Age-appropriate	**UNCRC** GC5 s.24: Access to effective, child-sensitive procedures including the provision of child-friendly information, advice, advocacy, support for self-advocacy, access to independent complaints procedures and to the courts.	**CSO Standard 2**: Age-appropriate information is available, children are knowledgeable about their rights, are taken seriously. **Charter** (k) Consulted about, and take part in making decisions about, their lives.

[4] UN Committee on the Rights of the Child, *General comment no.5 (2003): General measures of implementation of the Convention on the Rights of the Child*, s24, available from https://www.refworld.org/legal/general/crc/2003/en/36435, viewed 23 July 2025.

Culturally safe	**QHRA** s.27,28: Maintain the right to enjoy, develop, control one's culture and identity.	**CSO Universal Principle**: Child-safe entities provide an environment that promotes and upholds the right to cultural safety of children who are Aboriginal persons or Torres Strait Islander persons.[5] **Charter** (e-g): Develop, maintain and enjoy a connection to culture of origin.
Child participation in design and review	**UNCRC Article 12** Uphold child's right to participate in matters affecting them.	**CSO Standard 2**: Children know their rights (including cultural rights), participate meaningfully. **CSO Standard 9**: Children participate in reviews of policy, procedure and practice.
Process is sensitive to past or current trauma of complainant	**UNCRC Article 39; GC5**: Where needed, child has access to measures to promote physical and psychological recovery, rehabilitation and reintegration.	**CSO Standard 6**: Trained staff can investigate sensitively.
Accountable	**UNCRC GC14**: Child's best interests are appropriately integrated and consistently applied in every action taken by a public institution. **QHRA Div 2**: The QHRC can accept human rights complaints if agency has not responded or complainant dissatisfied.	**CSO Standard 6**: Policies to report complaints and concerns to relevant authorities. **CSO Standard 9**: Continuous improvement of policies and procedures; outcomes are measured.

I support the proposal for a new independent complaints escalation review process for serious and complex cases as outlined in section 5(c) of the Commission's terms of reference. Design of this new process and any redesign of the current complaints process must involve children and young people with current or recent experience of the child protection system, and from a mix of child protection interventions and orders, using a genuine co-design process. The redesign process should include, but be independent of, Child Safety. Children and young people should also be involved in ongoing review of complaints system implementation and usability.

What do children and young people think?

We do not know enough about what children and young people think about the processes for achieving justice and remedies in large systems. Despite being the most affected by the child protection and youth

[5] For more information, refer to Queensland Family and Child Commission, *Guidelines for implementing the Universal Principle and Child Safe Standards in Queensland*, 2025, pp10-13, available from **https://www.qfcc.qld.gov.au/childsafe/resources**, viewed 30 July, 2025.

justice systems, children and young people are usually excluded from decisions about how complaints and justice processes are designed, managed, and reviewed.[6]

In Queensland, legislative and policy barriers limit the opportunities of oversight bodies to engage with children and young people. Such decisions are being made without asking the child first and can give the appearance of gatekeeping to protect the agency concerned. Instead, children and young people should be integral to system review or re-design, in keeping with UNCRC Article 12 and CSO standard 9 and should have access to participate as they see fit.

In 2020, the Western Australian (WA) Children's Commissioner surveyed 721 children and young people on behalf of the National Office for Child Safety about their experiences of making complaints. The ideas from children and young people were grouped into six themes:

1. Education about the right to speak up or complain and help to do so.
2. Empower children and young people to speak up.
3. Give choices and options about how to make a complaint.
4. Listen, be respectful and take action when children speak up.
5. Involve trusted adults, support people or advocates to help in speaking up.
6. Follow up on complaints and keep children and young people informed.[7]

To these themes can be added stipulations from the *National Principles for Child Safe Organisations 2019* that information should be clear, accessible and easily understood by children and their support networks. Children should know who to talk to and what will happen when they speak up, and they should receive timely feedback when raising a complaint or concern.[8]

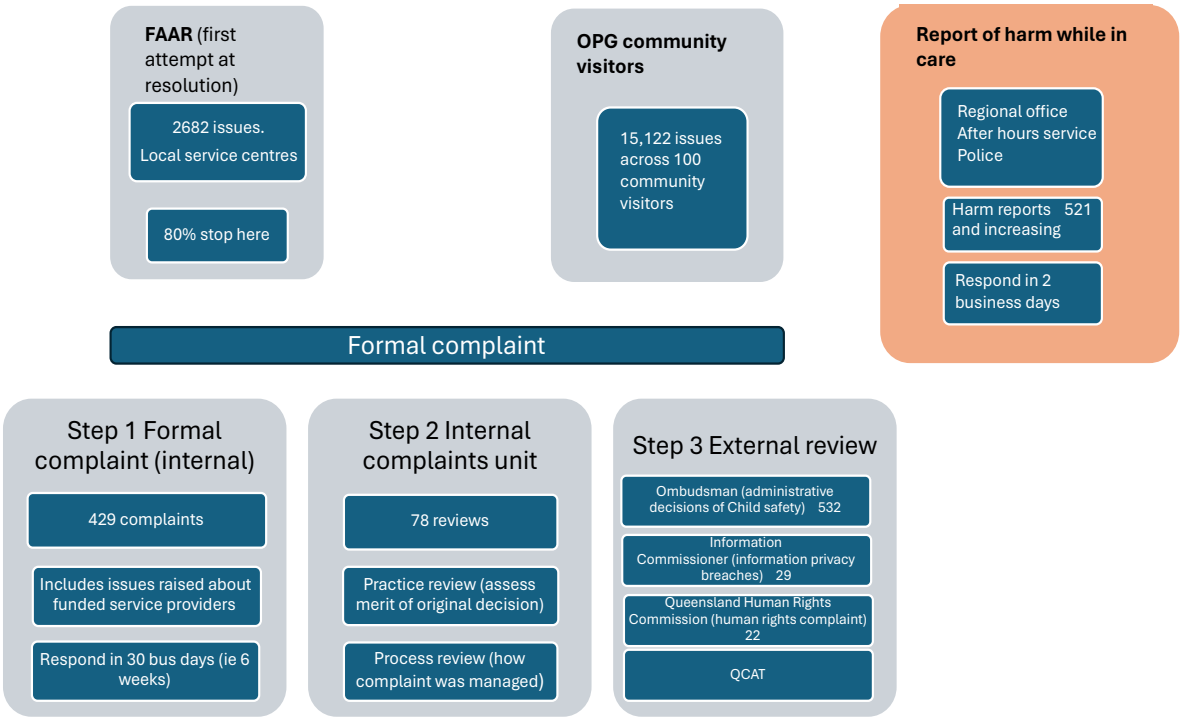
Advice on child-friendly complaints mechanisms is available from many sources, including UNICEF, the National Office of Child Safety, the Western Australian Children's Commission, CREATE Foundation, Child Safe Australia and Save the Children.

[6] UNICEF, *Justice for children* website, https://www.unicef.org/innocenti/projects/justice-for-children, viewed 30 July, 2025.
[7] Commissioner for Children and Young People, WA, 2021, *Child-friendly complaints guidelines*, available from https://ccyp.wa.gov.au/our-work/child-safe-organisations-wa/child-friendly-complaint-processes-and-reporting/, p.6.
[8] Queensland Family and Child Commission, *Queensland child rights report 2023*, p.52, available from https://www.qfcc.qld.gov.au/childrights/report/2023, viewed 22 July, 2025.

The current complaints process

The remarks in this section are based on desktop research, not a detailed knowledge of the practical operations of the complaints process.

Summary diagram



Notes[9]

First attempt at resolution (FAAR)

Complainants are encouraged to contact their local service centre to make a first attempt at resolution.

OR

A child can talk to an OPG community visitor and ask for their help in raising an issue or complaint.

Harm in care reports are redirected to a different and more urgent pathway

MOU to report serious injuries of children to OPG*

Step 1: Formal complaint

If complainant remains dissatisfied after FAAR, or local management is not suitable:

- Escalate to child protection complaints unit.
- **Includes** issues raised about funded service providers

Delegated authority organisation deals with complaints and issues directly. Complaint is included in Department records.

Step 2 Escalate to Departmental Complaints unit

Internally the complaint, if substantiated, may trigger a

- practice review (assess merit of original decision)
- or process review (how complaint was managed)

Step 3 External review

If unhappy with the outcome from raising complaints with Child Safety:

- Ombudsman (administrative decisions of Child safety)[10]
- Information Commissioner (information privacy breaches)[11]
- Queensland Human Rights Commission (QHRC) (human rights complaint)[12]

QCAT can look at certain "reviewable decisions".

OPG can provide a legal advocate to support a court process.

*I understand reports of serious injury of a child in care are not always provided to OPG in a timely fashion.

[9] Process described here taken from: Queensland government, *Issues and complaints* web page, January 2025, https://www.qld.gov.au/community/caring-child/foster-kinship-care/information-for-carers/get-help/issues-and-complaints, viewed 22 July, 2025; Department of Families, Seniors Disability Services and Child Safety, *Whole of department procedure: Complaints management*, 10 October, 2023, available from https://www.families.qld.gov.au/__media/documents/contact-us/complaints/complaints-management-procedure.pdf, and discussions with the Complaints Unit and OPG.

[10] Queensland Ombudsman, *Annual report 2023-24*, p.37, available from https://www.ombudsman.qld.gov.au/ArticleDocuments/262/QO%20Annual%20Report%202023-24%20PUBLIC.pdf.aspx?embed=Y, viewed 24 July 2025.

[11] Information Commissioner, *Annual report 2023-4*, p.73, https://www.oic.qld.gov.au/__data/assets/pdf_file/0010/64765/OIC-Annual-Report-2023-24-erratum-letter.pdf, viewed 24 July 2025.

[12] Queensland Human Rights Commission, *Annual report 2023-24,* p.19, available from https://www.qhrc.qld.gov.au/__data/assets/pdf_file/0007/50389/2024.08.28-Annual-Report-2023-24-Queensland-Human-Rights-Commission.pdf, viewed 24 July 2025

Internal complaints process

The Department's complaints process is available for children and adults to use. There is no financial cost through any of the stages, including if the complainant eventually goes to the Ombudsman, the Information Commissioner or the Queensland Human Rights Commission. Multiple channels for receiving complaints are accepted, including phone, email, online form, post, face-to-face, kicbox, or speaking with a Community Visitor from the Office of the Public Guardian (OPG). The child can have a support person which can include cultural advisers or Elders. Anonymous complaints are also accepted, although this can limit the extent of action that can be taken. Response to a formal complaint can incorporate mediation and cultural healing practices. These attributes align with the elements of a child-safe complaints process.[13]

Public reporting by Child Safety about complaints adheres strictly to legislative requirements rather than capturing what can assist oversight and monitoring and improve transparency for children and families in the system and the community. According to the limited public data,[14] many issues are received and dealt with prior to them becoming a formal complaint. While it is good for issues to be raised informally with local service centres, the lack of public transparency means there is a risk of patterns of systemic issues not being seen, or insufficient response or remedy offered. We also do not know the proportion of complaints received directly by children. Complaints lodged more than one year after the decision or event will be considered on merit and investigated at the Department's discretion.[15] The OATSICC understands very few complaints are made directly by children and young people. Data disaggregation by complainant type (child, adult, other) and characteristics (e.g. First Nations status, disability, care order type) should be mandated and made public as part of an accountable and transparent system.

In contrast with UNCRC GC5 and CSO Standard 2, the current process does not appear easy to navigate and seems insufficiently mindful of the power differential experienced by children held in a statutory system designed by adults. We also found variations of wording across web pages and procedures, making it harder to understand the process, even at a high level. Children cannot exercise their right to complain or raise serious safety concerns if they do not trust the process to help them rather than creating more difficulties for them, or if the way to complain is too hard. This process relies on staff in Child Safety service centres routinely informing children about their right to be involved in decisions affecting them, including their right to raise issues and make complaints, and how to do that, and providing this information regularly, not only at a time of crisis. This does not align with the expectations of CSO Standard 6 which calls for a clear and child-focussed outline that includes Child Safety's obligations to act and report.[16]

Child Safety's complaints procedure[17] devotes some attention to managing 'unreasonable' conduct by a complainant (examples provided are 'unreasonable persistence, demands, lack of cooperation, arguments or behaviour'). The *Child Protection Act 1999* (the Act) also states that Child Safety may refused to deal with a complaint if the 'chief executive reasonably believes the complaint was made

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[13] Department of Families, Seniors, Disability Services and Child Safety, *Whole of Department procedure: complaints management*, 10 October 2023, available from **https://www.families.qld.gov.au/_media/documents/contact-us/complaints/complaints-management-procedure.pdf**, viewed 30 July, 2025.
[14] Department of Child Safety, Seniors and Disability Services, *Complaint report 1 July 2023-30 June 2024*, available from **https://www.families.qld.gov.au/_media/documents/contact-us/complaints/complaints-data-2023.pdf**, viewed 23 July 2025.
[15] Department of Child Safety, Seniors and Disability Services, *Whole of department policy, complaints management*, 10 October 2023, available from **https://cspm.csyw.qld.gov.au/our-approach/policies**, viewed 30 July 2025.
[16] Queensland Family and Child Commission, *Child Safe organisations, Standard 6* web page, available from **https://www.qfcc.qld.gov.au/childsafe/standards/standard-6**, viewed 30 July, 2025.
[17] Department of Families, Seniors, Disability Services and Child Safety, *Whole of Department procedure: complaints management*, 10 October 2023, p.6, available from **https://www.families.qld.gov.au/_media/documents/contact-us/complaints/complaints-management-procedure.pdf**, viewed 30 July, 2025.

vexatiously'.[18] I would counsel against applying these sections to children. It risks breaching the child's right to be involved in matters affecting them and puts a further barrier in front of children who are already afraid of, or confused by, the complaints process. Child Safety front line staff would already know that younger children, or children who have experienced trauma, or with certain disabilities, will sometimes communicate emotionally. This form of communication should be noted and considered rather than used as a reason to halt a complaints process.

It is likely that many complaints arise from a lack of genuine participation of children and young people in decisions that affect them, and the full consideration of their views and long-term best interests in decision-making. This aspect (children's participatory rights and the enduring nature of the best interests principle), as required under the Act, must be significantly improved in Departmental practice.

Complaint types

Complaints by children under Long Term Guardian-Other and Permanent Care Orders[19]

Child Safety's role significantly reduces for these two types of orders. This may limit children's ability to complain and seek remedies if they are having difficulties in their placement.

A child on a long-term guardianship order can contact a regional intake service for assistance who will in turn contact the CSO responsible for the case. However, the 418 children on a permanent care order[20] would be dealt with as if they were a new intake, although the team leader originally responsible for the arrangement is contacted. This may mean that issues the equivalent of FAAR, would not be dealt with and only serious harm reports would be acted on. I would also be concerned if complaints or harm reports from this cohort are not being included in the number of internal complaints or harm reports received, but rather in external intake data. The limited public information makes this impossible to know.

Harm reports made by children in care

While harm reports cannot be described merely as 'complaints', they form a critical part of the spectrum of access to justice that must be available to children.

> "Concerns about a child in care may be received from a mandated notifier, another professional, **the child**, a member of the child's family, or anyone else who has contact with the child or their care arrangement".[21]

Unfortunately, Queensland's harm in care reports have increased since 2020, both as a number and as a rate. Although publicly facing data does not break down the source of harm reports, in 2023-4 the Department received reports about 521 children in its care. Disturbingly, 58% (303) were First Nations children, an even higher proportion than their already egregious over-representation in the child

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[18] Queensland government, *Child Protection Act 1999*, s.80D Refusal to deal with complaint, available from https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010 , viewed 28 July 2025.
[19] Queensland government, *Child Safety Practice Manual*, Information about a child with a long-term or permanent guardian, https://cspm.csyw.qld.gov.au/procedures/receive-and-respond-at-intake/other-intake-matters#Information_about_a_child_with_a_long_term_or_permanent_guardian, viewed 23 July, 2025.
[20] Department of Families, Seniors, Disability Services and Child Safety, *Our performance*, Improving care and post care support, web page, **https://performance.dcssds.qld.gov.au/improving-care-and-post-care-support/what-we-achieve/permanency-for-children#7309**, viewed 26 July, 2025.
[21] Department of Families, Seniors, Disability Services and Child Safety, *Child Safety Practice Manual*, Receive concerns about a child's care arrangement, available from https://cspm.csyw.qld.gov.au/procedures/provide-and-review-care/respond-to-concerns-about-a-child-s-care-arrangeme, viewed 17 July 2025.

protection system.[22] Reports about 240 children were 'substantiated', including 44% of reports about First Nations children, compared to 46% of all substantiations. Again, the lack of transparent data provides no information about what action was then taken in the best interests of the child, including whether the child was comfortable or satisfied with the outcome.

While OPG is an external oversight agency, it has the power to receive concerns and complaints directly from children in child safety and youth justice who are staying in 'visitable sites' such as houses, residential care facilities, watch chouses and youth detention centres. In 2023-24 OPG received 15,122 issues from children. Of those, nearly half (7,266) were raised by, or on behalf of, First Nations children, in keeping with their disproportionate representation in both child protection and youth justice. These translated into just 57 formal complaints.[23]

The need for systems involving children to be monitored

Oversight is critical because it is a fundamental safeguard for human rights and the cornerstone of a just and accountable system. This is particularly important for Aboriginal and Torres Strait Islander children and families who have been historically failed by government systems. Quality oversight ensures that children's rights to safety, identity, culture, participation, and equality are upheld and protected, and that public systems are accountable for preventing harm, addressing injustice, and enabling every child to thrive.

While several of Queensland's oversight bodies play a role in monitoring how child rights are upheld from different perspectives, all have legislative gaps and lack the power to mandate remedies, intervene in individual cases, or provide a child with a dedicated advocate, other than a legal advocate, to support them through complaints or court processes. Given the high stakes involved when working with children, frequently with a disability, always having experienced trauma, the Child Safety system should make the best use of these oversight bodies to keep children and young people safe. There is a dangerous complacency inherent in ignoring oversight bodies and minimising their legislative powers to then bring them to the fore as reviewers only after a serious incident or public policy failure. Professor Peter Coaldrake recommended that the independence of integrity bodies in Queensland be enhanced by aligning responsibility for financial arrangements and management practices with the Speaker of Parliament and the appropriate parliamentary committee, rather than the executive government.[24]

Whilst a number of statutory oversight bodies, including the QFCC and OPG, were not included explicitly in Coaldrake's consideration of "integrity bodies" I would argue that a lack of integrity in the treatment of children and young people in the state's care and insufficient oversight of the complaints system available to children in such circumstances, should be of significant concern to the Government and to all Queenslanders who care about children.

An issues paper will be provided to the Commission of Inquiry in due course.

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[22] *Our performance*, Safe living arrangements web page, https://performance.dcssds.qld.gov.au/improving-care-and-post-care-support/what-we-do/safe-living-arrangements#7298, viewed 26 July, 2025.
[23] Office of the Public Guardian, unpublished data, 23 July 2025.
[24] P. Coaldrake, 2022, *Let the sunshine in: review of culture and accountability in the Queensland public sector*, Final report, p.71, available from https://www.coaldrakereview.qld.gov.au/, viewed 30 July 2025.

The external complaints process

Children should have access to a clear, accessible complaints process within Child Safety, as well as independent oversight mechanisms that can review unresolved complaints, monitor systemic issues, and ensure accountability.

While formal complaints from children are accepted by the Queensland Ombudsman, QHRC, and the Information Commissioner they **must** be sent first to the agency concerned (this applies to complaints to all government departments, not just Child Safety). Only if unsatisfied with the outcome of an internal response can complainants seek assistance from these oversight bodies. By this time a complainant will have already spent many weeks having a formal complaint considered. There is no bridge between the internal and external process or help for a child complainant to understand which oversight body they should apply to. In his 2022 review of culture and accountability in the Queensland public service, Coaldrake referred to 'widespread confusion' about how the integrity bodies fitted together and their jurisdictional limits.[25] I support Coaldrake's concept of a 'one-door' or 'complaints clearing house' approach for when any complainant (not only from Child Safety) has exhausted the agency process and needs to access the external process.

I further suggest there be independent child advocates who can support children through a complaints process. (OPG community visitors and legal advocates undertake elements of this role but are constrained by the volume of complaints from providing end-to-end support). Such advocates could advise children, navigate systems alongside them or on their behalf, and intervene where required to compel positive action in the child's best interests. The availability of individual, child focussed advocacy should be understood in the context of duty bearers within intersecting systems and not simply complete the function of legal advocacy in child protection matters. Practical, accessible and appropriately empowered advocates can promote the best interests of children in the state's care across portfolio responsibilities and across the course of their lives.

Disaggregated public data about complaints to external oversight bodies is also not readily available. Information about the numbers of complaints made by children, the nature of the complaint and how it was resolved or remedied would improve faith in the system and understanding of the issues facing both children and staff. Public service accountability and transparency is not only to a Minister but to the community[26] and, in the case of Child Safety, pre-eminently to the children under its care.

System accountability

A previous Commission of Inquiry into child protection was held only 12 years ago, with multiple smaller reviews occurring between then and now. To have any hope of long-term transformational change, this Commission must address why Queensland's system has not progressed far further since then and why implementation of agreed recommendations has failed. It speaks to a lack of accountability across government. Coaldrake suggests[27]

> [Public service] organisations that succeed [in the 21st century] are likely to be those responsive to demands for more citizen involvement…. A culture dedicated to service and accountability, and of course to performance, is essential to meet this challenge.

[25] Coaldrake p.40.
[26] Coaldrake, pp 8-9.
[27] Coaldrake, p.73.

Trust and confidence cannot be built if an agency is more concerned about managing risk and reputation than creating child-safe and rights-focused policies and procedures in accordance with its own Charter. Unfortunately, the media 'pile-on' when mistakes are inevitably made increases the fear held by government agencies and politicians of undertaking genuinely transformational change.

Coaldrake spoke of the growth of citizen involvement and community advocacy to government. Likewise, the child protection system must hear regularly from its core users – children and young people, particularly First Nations children and young people, and children with disabilities, given their disproportionate representations in out of home care - and be accountable to them. Where the system cannot achieve what it is intended to do, which is to improve the safety, rights and welfare of children beyond their previous circumstances, and where requests for improvement do not lead to change, a formal but accessible and child-safe complaints process must be available, at a minimum.

Closing the Gap Priority reform 3 is *Transforming government organisations* (see **Appendix 2** for more information) where all states and the Federal government have committed to "systemic and structural transformation of mainstream government organisations to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people". Given nearly half the children entering out-of-home care are Indigenous, genuine action and accountability for achieving this reform would significantly improve the lives of Aboriginal families and Torres Strait Islander families, with knock on improvements to education and economic outcomes. It would also significantly reduce pressure on Child Safety. Currently, Closing the Gap Target 12: *By 2031, reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children (0–17 years old) in out-of-home care by 45%,* is not on track to be met, and in Queensland the rate is worsening.[28]

The Standards for Child Safe Organisations require complaints processes to be child-friendly and managed in a timely, transparent, trauma-informed and respectful way, with the child's wellbeing and safety at the centre of every response. Priority Reform 3 commits governments to systemic and structural transformation of mainstream government agencies and institutions to ensure that governments are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people.[29] Organisations must deeply examine their own systems, structures and operations in order to tackle institutionalised racism and change their approach to decision-making, which has largely failed to reflect the priorities, cultures and knowledges of Aboriginal and Torres Strait Islander peoples.

This means that Child Safety (and by extension the Commission of Inquiry) should:

- acknowledge that racism and unconscious bias exist in Australia, including in the Queensland Department of Child Safety [30]
- analyse and respond to the impacts of racism on complaints-making by Aboriginal and Torres Strait Islander peoples [31]
- consider and respond to the impacts of racism and unconscious bias in dealing with complaints

[28] Australian Productivity Commission, Closing the Gap Information Repository, https://www.pc.gov.au/closing-the-gap-data/dashboard/se/outcome-area12, viewed 23 July 2025.
[29] Australian Productivity Commission, 2024, Study Report - Closing the Gap review, p 55, available from https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report, viewed 31 July, 2025.
[30] Cunningham, J., & Paradies, Y. C. 2013. Patterns and correlates of self-reported racial discrimination among Australian Aboriginal and Torres Strait Islander adults, 2008–09: analysis of national survey data. *International journal for equity in health*, *12*(1), 47.
[31] IBAC, 2022, Victoria Police handling of complaints made by Aboriginal people, available from https://www.ibac.vic.gov.au/victoria-police-handling-complaints-made-aboriginal-people, viewed 31 July, 2025.

- measure progress, restoration and successful outcomes using a range of different success indicators, including Aboriginal and Torres Strait Islander success indicators.[32]

By definition, unconscious bias cannot be identified by organisations themselves. Therefore, Aboriginal and Torres Strait Islander peoples must meaningfully participate in the analysis of problems and articulation of solutions related to all elements of the complaints making process.

There exists a clear legal framework requiring Child Safety to ensure systems are free of institutional racism, inclusive of complaints making processes.

About the Office of the Aboriginal and Torres Strait Islander Children's Commissioner

Under the *Queensland Family and Child Commission Act 2014* the Aboriginal and Torres Strait Islander Children's Commissioner is granted functional and operational independence in the exercise of their powers and functions.

Our vision is that

> Aboriginal and Torres Strait Islander children grow up strong in their identity, culture, and community, free from systemic racism and discrimination. They are safe, nurtured, and thriving in their families, with systems designed to support, not separate. They exercise their rights, participate in decision making, and contribute to solutions that are aligned to their identities and aspirations.
>
> The child protection and youth justice systems are defined by early intervention, Aboriginal and Torres Strait Islander family-led solutions, and culturally safe care.
>
> The Queensland Government strengthens accountability by integrating child rights into policy, legislation and service delivery.
>
> Should Committee members have any queries about this submission they may contact Amy Lamoin, Executive Director, Office of the Aboriginal and Torres Strait Islander Children's Commissioner, via email at **Commissioner_OATSICC@qfcc.qld.gov.au**.

[32] Queensland Family and Child Commission, *Child Safe Organisations Resources* web page, 9 July 2025, 'Guidelines for implementing the Universal Principle and Child Safe Standards in Queensland', p.59, available from **https://www.qfcc.qld.gov.au/childsafe/resources**, viewed 30 July 2025.

Appendix 1 Articles and Standards applying to child-safe complaints

UN Convention on the Rights of the Child[33]

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Child safe standards[34]

To be introduced in Queensland from 1 October 2025.

Must be implemented by business or organisations working with or providing spaces and facilities for anyone aged 17 years and under.

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[33] UN Convention on the Rights of the Child, available from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child, viewed 30 July, 2025.
[34] Queensland Family and Child Commission Child safe organisations web site, 21 July 2025, available from https://www.qfcc.qld.gov.au/childsafe/standards, viewed 30 July, 2025.

CSO Standard 2: **Children are informed about their rights, participate in decisions affecting them and are taken seriously.**

"Creating spaces where children are knowledgeable about their rights and confident in their ability to express concerns, provide input, and participate in meaningful ways is an important aspect of being child safe.

The adults who support children in your organisation need to understand and respect children's agency and take steps to ensure they are treated as competent and capable. This means adults tailor their approach based on the age, developmental stage, culture and any other specific needs of the child…."

CSO Standard 2 actions:

Actions you can take to apply this Standard in your organisation

- ensure children have access to resources and tools that enable them to understand all of their rights, including the right to safety, information and participation – for example, posters or videos
- where relevant to the setting, offer children access to age-appropriate information or programs about preventing abuse
- regularly seek feedback from children about their safety and wellbeing in ways they feel comfortable with and take action on what you hear
- facilitate child-friendly ways for children to express their views, participate in decision-making, and raise their concerns, and ensure staff and volunteers are attuned to signs of harm or risks of harm
- put strategies in place to build a culture of participation that is responsive to the input of children – for example, training staff in active listening and child-centred communication techniques
- ensure the information provided through child centred engagement activities is incorporated into service and program improvements
- develop a child-friendly complaints process with clear steps on how feedback will be used and acted on.

How does **cultural safety** look?

- make sure your resources and information are culturally safe by developing them with Aboriginal and Torres Strait Islander children and families
- value and respond to the contributions of Aboriginal and Torres Strait Islander children to build their trust and confidence to participate.

Successful implementation looks like a business or organisation where:

- children report feeling respected and heard within the organisation
- there is evidence that key decisions and policies have been shaped by input from children
- staff and volunteers demonstrate strong knowledge of, and practice in, child-centred communication
- staff and volunteers are equipped with the necessary training and skills to provide culturally safe, trauma-informed and strengths-based care and support to children

- feedback mechanisms are regularly used with children and result in actionable outcomes at all levels of the organisation.

CSO Standard 6: Processes to respond to complaints and concerns are child focused

Effective, child-focused complaint and concern processes are essential for protecting children. Children, families, carers, staff and volunteers involved in your business or organisation should feel safe and supported to speak up about concerns. Complaints must be managed in a timely, transparent, trauma-informed and respectful way, with the child's wellbeing and safety at the centre of every response.

Actions you can take to apply this Standard in your organisation

- have an accessible, child-focused complaint-handling policy, which clearly outlines the roles and responsibilities of individuals at each level of your organisation and their approach to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and their obligation to act and report
- have effective complaint-handling processes that are understood by children, families, staff and volunteers. Train staff to respond sensitively to disclosures, ensuring children's safety and wellbeing is prioritised
- take complaints seriously and respond to them promptly and thoroughly. Inform complainants about the outcomes and actions taken because of their feedback
- put policies and procedures in place that address reporting of complaints and concerns to relevant authorities, and co-operate with authorities that have a responsibility to investigate
- ensure investigations into complaints do not re-traumatise children and families
- meet all your reporting, privacy and employment law obligations
- monitor and review complaint trends to identify systemic issues and drive continuous improvement.

How does **cultural safety** look?

- ask Aboriginal and Torres Strait Islander children and families if they need support in the complaint process from a First Nations Liaison Officer, trusted community Elder, and/or an Aboriginal and Torres Strait Islander support person.

Successful implementation looks like a business or organisation where:

- clear, documented complaints policies and procedures are in place and accessible
- staff demonstrate confidence and competence in identifying and managing child-focused complaints
- feedback from children, carers, families and staff confirms they feel safe and supported, when raising concerns and confident about the process
- complaint data is regularly reviewed and informs potential systemic reform and policy, process and practice improvements
- all children feel safe to report concerns and complaints and feel that the resolution process results in meaningful change
- Aboriginal and Torres Strait Islander people report that the complaints processes are culturally safe.

Universal principle

The Universal Principle applies **to all the 10 child safe standards**.

The Universal Principle is about creating environments that make Aboriginal and Torres Strait Islander people feel culturally safe, which broadly means welcome, safe, valued, included and respected.

In culturally safe organisations:

- Aboriginal and Torres Strait Islander people define cultural safety and how it is measured
- workers develop the knowledge, skills and attitudes to recognise and address biases and stereotypes, and
- systems are transformed so they work better for Aboriginal and Torres Strait Islander people.

Children and young people have a right to practice culture. We know a strong connection to culture is a protective factor for Aboriginal and Torres Strait Islander children and a key way to ensure safety and wellbeing.

If a business or organisation isn't culturally safe, it's not child safe.

More information about implementing the Universal Principle and Child Safe Standards can be found in these guidelines: **https://www.qfcc.qld.gov.au/childsafe/resources**

Of particular relevance to complaints processes:

- Organisations must challenge unconscious bias, racism, and colonial thinking within their structures and workforce.
- Policies and programs should be co-designed with Aboriginal and Torres Strait Islander communities to reflect their perspectives on child safety.

Appendix 2 Closing the Gap Priority reform 3: Transforming government organisations[35]

Transformation elements

The Government Parties commit to implement the following transformation elements within government mainstream institutions and agencies:

a. Identify and eliminate racism – Identify and call out institutional racism, discrimination and unconscious bias in order to address these experiences. Undertake system-focused efforts to address disproportionate outcomes and overrepresentation of Aboriginal and Torres Strait Islander people by addressing features of systems that cultivate institutionalised racism. The feedback from the engagements included that more Aboriginal and Torres Strait Islander people should be employed in mainstream institutions and agencies, including through more identified positions, more Aboriginal and Torres Strait Islander people in senior positions, and appointments to boards.

b. Embed and practice meaningful cultural safety – Embed high-quality, meaningful approaches to promoting cultural safety, recognising Aboriginal and Torres Strait Islander people's strength in their identity as a critical protective factor. This applies to all levels of staff within government organisations. Feedback from the engagements included making cultural awareness training courses ongoing for all boards and staff. Another strategy could be to strengthen the role of internal Aboriginal and Torres Strait Islander units in promoting and monitoring cultural safety.

c. Deliver services in partnership with Aboriginal and Torres Strait Islander organisations, communities and people – Develop genuine relationships between government organisations and Aboriginal and Torres Strait Islander people, organisations and/or businesses to enhance the quality and cultural safety of mainstream service delivery. Feedback from the engagements included supporting agreements between hospitals and local Aboriginal and Torres Strait Islander community-controlled health organisations to deliver outpatient services.

d. **Increase accountability through transparent funding allocations** – Improve transparency of resource allocation to, and distribution by, mainstream institutions in relation to dedicated Aboriginal and Torres Strait Islander service-delivery. Feedback from the engagements included requiring key performance indicators in funding arrangements. Other suggestions included for Auditors-General to include in their audits of mainstream agencies information about expenditure and the quality of service delivery to Aboriginal and Torres Strait Islander people.

e. Support Aboriginal and Torres Strait Islander cultures – **Ensure government organisations identify their history with Aboriginal and Torres Strait Islander people and facilitate truth-telling** to enable reconciliation and active, ongoing healing. Feedback from the engagements included government organisations building relationships with local Aboriginal and Torres Strait Islander community-controlled organisations to enable them to understand and reflect the history and culture of local communities.

f. Improve engagement with Aboriginal and Torres Strait Islander people – **Ensure when governments are undertaking significant changes to policy and programs that primarily impact on Aboriginal and Torres Strait Islander people, they engage fully and transparently**. Engagements should be done in a way where Aboriginal and Torres Strait Islander people: have a

[35] Closing the Gap, website, *Priority reform three – transforming government organisations*, https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/6-priority-reform-areas/three, viewed 23 July, 2025.

leadership role in the design and conduct of engagements; know the purpose and fully understand what is being proposed; know what feedback is provided and how that is being taken account of by governments in making decisions; and are able to assess whether the engagements have been fair, transparent and open. The engagements on the National Agreement, led by the Coalition of Peaks in partnership with Government parties, demonstrated the benefit of this approach.

Jurisdictional actions

60. Government Parties, in partnership with Aboriginal and Torres Strait Islander people, commit to systemic and structural transformation to ensure government mainstream institutions and agencies are free of institutionalised racism and promote cultural safety in line with the transformation elements at Clause 59.
61. Government Parties commit to challenge unconscious biases that result in decisions based on stereotypes. Addressing institutional racism and promoting cultural safety are essential requirements that are the responsibility of governments, in line with the transformation elements.
62. **When Government Parties change, design or deliver policies and programs that impact on the outcomes of this Agreement, they will do so in line with this Agreement.**
63. Government Parties commit to share and publish their engagement approaches that give effect to the transformation elements on engagements at Clause 59(f).
64. The Government Parties also commit to engaging with Aboriginal and Torres Strait Islander representatives before, during, and after emergencies such as natural disasters and pandemics to make sure that:
    a. government decisions take account of the impact of those decisions on Aboriginal and Torres Strait Islander people
    b. Aboriginal and Torres Strait Islander people are not disproportionately affected and can recover as quickly as other Australians from social and economic impacts.
65. Government Parties will include in their annual reports information on how they are undertaking and meeting the transformation elements.
66. Government Parties' investment in mainstream institutions and agencies will not come at the expense of investment in Aboriginal and Torres Strait Islander community-controlled services.

Partnership actions

67. By 2023, Government Parties agree to each identify, **develop or strengthen an independent mechanism, or mechanisms**, that will support, monitor, and report on the transformation of mainstream agencies and institutions. The mechanism, or mechanisms, will:
    a. support mainstream agencies and institutions to embed transformation elements, as outlined in Clause 59, and monitoring their progress
    b. be recognisable for Aboriginal and Torres Strait Islander people and be culturally safe
    c. engage with Aboriginal and Torres Strait Islander people to listen and to respond to concerns about mainstream institutions and agencies

d. report publicly on the transformation of mainstream agencies and institutions, including progress, barriers and solutions.

68. In 2025, the Parties to the Agreement will meet and consider progress on Priority Reform Three and make additional partnership actions if needed and the Agreement will be updated accordingly.