

Telephone:

Reference:

Mr Paul Anastassiou KC
Commissioner
Commission of Inquiry into Queensland's Child Safety System

Via email:

Dear Commissioner Anastassiou

I am writing to raise an important issue for the Commission of Inquiry's consideration regarding assessment of non-Indigenous foster carers capacity to uphold the cultural rights of Aboriginal and Torres Strait Islander children who may be placed in their care.

Queensland law and policy recognise that for Aboriginal and Torres Strait Islander children, connection to family, culture, community and Country is essential to their safety and wellbeing. These obligations reflect a consistent commitment for Queensland between both State law and International human rights.

When children are placed in out-of-home care, the State delegates day-to-day responsibility for their care to carers. This delegation includes responsibility for supporting children's cultural identity and connections. In practice, this means carers play a critical role in safer children, including whether children can maintain connection to kin, country and culture while in care. A plethora of evidence exists to demonstrate that cultural continuity is central to the enduring best interests of Aboriginal and Torres Strait Islander children.

When Aboriginal and Torres Strait Islander children in out-of-home care are denied their right to maintain culture and connection, the long-term consequences include higher rates of youth justice involvement, poorer physical and mental health, disrupted education and ongoing reliance on government services. Such outcomes perpetuate inefficient government through significant and avoidable financial costs for the State across justice, health and social systems.

Available evidence suggests that while cultural support planning is now common, there is wide variation in how these plans are understood, prioritised and carried out. There is significant variability across the state in terms of quality of planning processes, content and implementation. Cultural support planning without the active participation of children and their families and without clear guidance for the preservation of a child's connection to kin, country and culture is not uncommon, in fact unacceptably common. Our work with Children tells us that cultural connections do not occur either consistently or automatically through placement. In practice, the extent to which cultural needs are met is often at the discretion of carers and often limited by either a tendency to under value or inherently misunderstand the significance of cultural identity in the context of an Aboriginal child's best interests and, a lack of knowledge or guidance about how to facilitate or support cultural connection.

For this reason, I consider it essential that as the Inquiry examines the role of carers, that it creates clarity about carers willingness and capability to upholding cultural rights of children in their care. This includes considering:

- how carers are assessed for their willingness and demonstrated capability to support cultural connection
- what expectations are clearly set for carers in relation to culturally affirming care
- what training and support carers receive to meet these expectations
- how the system monitors and responds when cultural obligations are not met
- the impact on children when carers are unable or unwilling to support cultural connection.

Examining these issues would help the Inquiry to both assess and appropriately respond the child protection system obligations to Aboriginal and Torres Strait Islander children in practice, not just in policy.

This Inquiry is a vital opportunity to drive meaningful reform, requiring the State to meet the same standards it expects of families. Systems must be required to anticipate harm, provide support before crisis, and ensure its actions do not become a source of harm against the children it is legally and morally bound to protect.

I would be pleased to provide further information or evidence to assist the Inquiry's work on this matter.

Yours sincerely

Natalie Lewis

Aboriginal and Torres Strait Islander Children's Commissioner
Office of the Aboriginal and Torres Strait Islander Children's Commissioner
Queensland Family and Child Commission

10 March 2025

