

SUBMISSION TO THE QUEENSLAND CHILD SAFETY COMMISSION OF INQUIRY

March 2026

Contents

Acknowledgement	3
About SNAICC	3
Executive Summary	4
Recommendations	5
Foundations of Queensland’s child protection system.....	7
International obligations.....	7
National agreements.....	8
State-wide policy and strategy.....	9
Implications for the Inquiry	11
Accountability – Establishing a dedicated, legislated and independent Aboriginal and Torres Strait Islander Children and Young People’s Commissioner.....	12
Partnership – Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP).....	13
The current state of child protection in Queensland.....	14
Over-representation in Queensland.....	14
Placement of Aboriginal and Torres Strait Islander children in care	16
Residential care.....	16
Exits from care.....	19
The pathway from child protection to youth justice	22
Aboriginal and Torres Strait Islander leadership must underpin all systemic reform	24
Crises averted – supporting families earlier through culturally safe, ACCO-led universal and targeted services	25
Delegated authority – transferring power and responsibility back to community.....	28
Indigenous Data Sovereignty.....	32
Conclusion	33

Acknowledgement

SNAICC acknowledges the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC's head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally.

SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted.

About SNAICC

SNAICC is the national non-government peak body for Aboriginal and Torres Strait Islander children. We work for the fulfilment of the rights of our children, to ensure their safety, development, and well-being.

SNAICC has a dynamic membership of Aboriginal and Torres Strait Islander community-based child care agencies, multi-functional Aboriginal Children's Services, crèches, long day care child care services, pre-schools, early childhood education services, early childhood support organisations, family support services, foster care agencies, family reunification services, family group homes, services for young people at risk, community groups and voluntary associations, government agencies and individual supporters.

Since 1981, SNAICC has been a passionate national voice representing the interests of Aboriginal and Torres Strait Islander children and families. At the heart of SNAICC's work is championing the principles of community control and self-determination as the means for sustained improvements for children and families – whether in child protection and wellbeing or early childhood education and development. Today, SNAICC is the national peak body for Aboriginal and Torres Strait Islander children and for the sector supporting these children. Our work comprises policy, advocacy, and sector development. We also work with non-Indigenous services alongside Federal, State and Territory Governments to improve how agencies design and deliver supports and services for Aboriginal and Torres Strait Islander children and families.

As the national peak body for Aboriginal and Torres Strait Islander children, SNAICC consults with its member organisations and Aboriginal and Torres Strait Islander leaders to ensure the experiences, needs and aspirations of our leaders, our sector and ultimately, our children and families are the foundation for our submissions and recommendations.

Executive Summary

SNAICC welcomes the opportunity to provide this submission to the Queensland Child Safety Commission of Inquiry (the Commission, the Inquiry).

The increasing overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care (OOHC) in Queensland, and across Australia, is well-documented and deeply concerning. SNAICC is particularly concerned by the increasing use of residential care, which is known to contribute to poor life outcomes for Aboriginal and Torres Strait Islander children.

This overrepresentation is a consequence of ongoing systemic inequities and intergenerational trauma and dispossession – but is also a result of an ongoing lack of early intervention services and supports led and delivered by the Aboriginal and Torres Strait Islander community.

Both the Aboriginal and Torres Strait Islander Child Placement Principle (CPP), and *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037* (Our Way), recognise that community-controlled leadership and supports are crucial to ensure that:

- Aboriginal and Torres Strait Islander children, families and communities are supported,
- our children can be raised by their families and within their community, maintaining their connection to culture and Country.

The systemic reform and transformation needed for our children is clear – and much of the pathway forward for Queensland is mapped out in current policy, law and practice guidance. However, there are concerning gaps between legislation, policy and strategy, and how they are reflected in investments, implementation, and practice.

About this submission

This submission provides a comprehensive analysis of how Queensland's child protection system has the capacity to improve functioning for Aboriginal and Torres Strait Islander children, families and communities through clear, actionable pathways for reform grounded in existing legislative and policy commitments. These frameworks collectively establish the standards by which the child safety system must operate and provide the roadmap for transforming outcomes for Aboriginal and Torres Strait Islander children. The submission draws on evidence, data and the lived experience of our member organisations and Aboriginal and Torres Strait Islander leaders.

Queensland does not need new principles to guide its child protection system. Rather, it needs to implement, in full, the commitments it has already made. The tools for reform exist. What is required is sustained partnership with Aboriginal and Torres Strait Islander community-controlled organisations, a transfer of authority and resources and an unwavering commitment to children's rights, cultural rights, early support and self-determination.

This Commission's inquiry should take a strong, future-focused approach: identifying where implementation has stalled, addressing the structural barriers that continue to harm children and families, and recommending reforms that embed community control, cultural safety and accountability at all levels of the child protection system.

Recommendations

SNAICC recommends:

1. That the Commission's report explicitly compare practice in the Queensland child safety system against current legislative, policy, cultural frameworks and standards, as well as existing commitments and obligations under international law, with particular focus on the rights, needs and experiences of Aboriginal and Torres Strait Islander children, families and communities.
2. That the Commission's report concentrates on understanding the systemic, operational and cultural barriers that are preventing full implementation of existing legislative requirements, government policy commitments and Australia's human rights obligations in the child protection system and focus its recommendations to address these barriers.
3. That the Queensland Government urgently review the current implementation of the *Our Way* strategy, fast-track relevant priorities and implement the strategy in full, without delay.
4. That the Commission call on the Queensland Government to ensure full, consistent and accountable implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (CPP) as required by legislation.
5. That the Queensland Government establishes a dedicated, legislated and independent Aboriginal and Torres Strait Islander Children and Young People's Commissioner using the *Minimum Requirements for Aboriginal and Torres Strait Islander Children's Commissioners*.
6. That the Commission call on the Queensland Government to address the underlying drivers of the high number of Aboriginal and Torres Strait Islander children placed in residential care, particularly Aboriginal and Torres Strait Islander children under the age of 12, and to urgently review each child's placement needs in collaboration with Aboriginal Community-Controlled Organisations (ACCOs) and the community.
7. That the Queensland Government prioritise increased funding for ACCOs, including urgently reassigning resources currently directed to for-profit companies to ACCOs, to enable ACCOs to upscale the child protection and family support services they provide for Aboriginal and Torres Strait Islander families.
8. Consistent with *Our Way*, the Queensland Government responds to the increasing removal of Aboriginal and Torres Strait Islander children from their families, kin, communities and Country by prioritising the realignment of its policy, practice, funding and resources to support prevention and earlier intervention to vulnerable Aboriginal and Torres Strait Islander children and families.
9. That adoption, other than Torres Strait Islander customary adoption, not be used as a permanency option for Aboriginal and Torres Strait Islander children within Queensland's child protection system.
10. That the Commission recommend an integrated reform approach that addresses the clear and harmful overlap between Queensland's child protection and youth justice systems, with

a specific focus on eliminating the pathways that lead Aboriginal and Torres Strait Islander children from out-of-home care, particularly residential care, into the youth justice system.

11. That the Commission examine current funding models and highlight the urgent need for increased government investment in prevention and early intervention, with funding and resources prioritised for, and directed to, Aboriginal Community-Controlled Organisations.
12. That the Queensland Government endorses the National Child and Family Investment Strategy and, as part of that commitment, develop an implementation plan that outlines their strategy for the transfer of resources to Aboriginal Community-Controlled Organisations.
13. That the Queensland Government prioritise and accelerate the statewide roll-out of delegated authority for the child protection sector, supported by ACCO access to departmental information systems to enable informed planning and decision making.

Foundations of Queensland's child protection system

Queensland is party to multiple intersecting national, international and state-based standards, commitments and obligations relating to its child protection system. These frameworks clearly define how the system must uphold the rights, safety and wellbeing of Aboriginal and Torres Strait Islander children and they establish the benchmarks against which the system's performance should be assessed. Together, these obligations make clear that Queensland does not require new principles or aspirational statements to drive reform. What is required is the full, consistent, and accountable implementation of the commitments already made across all levels of the child safety system.

International obligations

The Queensland child protection system must remain consistent with Australia's overarching international human rights commitments. These commitments include the United Nations Convention on the Rights of the Child and Declaration on the Rights of Indigenous Peoples.

United Nations Convention on the Rights of the Child (CRC)

Under the CRC, children have the right to family, identity and culture.¹ The CRC is directly relevant to all children and young people in contact with the child protection system, given it requires that:

- the best interests of the child are a primary consideration (Article 3),
- children be protected from harm (Article 19),
- children are not separated from their parents unless it is necessary for their safety (Article 9),
- where children are separated from their parents, state care must have regard to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background (Article 20),
- children have the right to maintain their identity, culture and family relations (Article 8).

Further, and of particular relevance to Aboriginal and Torres Strait Islander children, article 30 states that Indigenous children shall not be denied the right, in community with other members of their group, to enjoy their own culture and language. The Committee on the Rights of the Child provided additional specific guidance on Indigenous children in 2009, highlighting the need for culturally appropriate social services and for states to take special measures to ensure that children separated from their families can maintain their cultural identities.²

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The UNDRIP affirms the rights of Indigenous peoples to self-determination, to maintain and strengthen their distinct institutions, and for Indigenous children not to be forcibly removed from their families and communities (Article 7, Article 8).

¹ Convention on the Rights of the Child, see arts 3, 19, 9, 7(1), 8(1), 20(3) and 30.

² Committee on the Rights of the Child (2009) General comment No. 11: *Indigenous children and their rights under the Convention [on the Rights of the Child]* Geneva, 12-30 January 2009

National agreements

National frameworks and commitments include the National Agreement on Closing the Gap, *Safe and Supported – The National Framework for Protecting Australia’s Children 2021-2031* and the National Out-of-Home Care Standards. Under each of these frameworks, Queensland has committed to partnering with Aboriginal and Torres Strait Islander communities to reform its child protection system and address the structural inequities embedded within it.

The National Agreement on Closing the Gap (National Agreement)

The National Agreement identifies four Priority Reforms that require governments to fundamentally change how they work with Aboriginal and Torres Strait Islander peoples: formal partnerships and shared decision-making; building the community-controlled sector; transforming government organisations; and shared access to data. Embedding these reforms in Queensland’s child protection system is critical for reducing the over-representation of Aboriginal and Torres Strait Islander children.

National Agreement Target 12 specifically aims to reduce the over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031. Other targets can also be linked to outcomes for Aboriginal and Torres Strait Islander children and young people in OOHC.

Safe and Supported – the National Framework for Protecting Australia’s Children 2021-2031 (Safe and Supported)

Safe and Supported and its associated action plans set out Australia’s national approach to ensuring children grow up safe, connected and supported, with a strong focus on early intervention, children’s participation and strengthening the leadership of ACCOs. As part of this framework, Queensland has committed to working in genuine partnership with the Aboriginal and Torres Strait Islander Leadership Group to design and implement reforms that address the persistent over-representation of Aboriginal and Torres Strait Islander children in OOHC. These commitments include expanding community control in child and family services, improving culturally safe support for families, and driving the systemic change needed to progress the Closing the Gap target of reducing over-representation by 45% by 2031.

National Out-of-Home Care Standards (NOOHCS)

The NOOHCS aim to drive consistency and improvements in the quality of out-of-home care provided to children and young people. There are 13 standards focused on key areas including health, education, care planning, family and cultural connections, transition from care, training and support for carers, belonging and identity, safety, stability and security. The NOOHCS are not legally binding and serve more as a guiding framework, allowing states and territories to determine whether and how they should be adopted in each jurisdiction. Queensland has its own Charter of Rights for a Child in Care, legislated under the *Child Protection Act 1999*.

State-wide policy and strategy

Queensland has extensive policy and legislative commitments expressly designed to protect and promote the rights of Aboriginal and Torres Strait Islander children and families within the child protection system. These include:

Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037 (Our Way)

Our Way sets out a 20-year commitment by government and Aboriginal and Torres Strait Islander leaders to reduce the over-representation of Aboriginal and Torres Strait Islander children in Queensland's child protection system, focusing on long-term change rather than short-term responses.³ The strategy holds significant potential to transform Queensland's child protection system by meaningfully supporting Aboriginal and Torres Strait Islander children and families, addressing over-representation in OOHC, and delivering broader benefits across the entire child and family support system.

Our Way provides a clear and already-endorsed vision for how the Queensland child safety system can be reshaped to nurture children and support families, rather than removing children and penalising families. A key feature of *Our Way* is its expectation that Aboriginal and Torres Strait Islander communities *lead the design and delivery of reforms*, including through delegated authority to ACCOs, reflecting the right to self-determination under the United Nations Declaration on the Rights of Indigenous Peoples.⁴

Our Way remains largely unimplemented and is not on track to achieve its targets and sub-targets. If this strategy were fully implemented, it would:

- shift decision-making power to ACCOs, ensuring that children remain connected to kin, community, culture and Country
- strengthen prevention and early intervention in order to reduce reliance on statutory intervention
- build a culturally competent workforce that can recognise and respect the rights, strengths and identities of Aboriginal and Torres Strait Islander families
- redefine accountability with government and communities, sharing responsibility for achieving outcomes
- deliver generational change by addressing underlying structural drivers of over-representation, including racism, intergenerational trauma and systemic bias.

³ DCCSDS (Department of Communities, Child Safety and Disability Services) (2017) *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037*

⁴ United Nations General Assembly (2007) United Nations Declaration on the Rights of Indigenous Peoples, resolution adopted by the General Assembly, A/RES/61/295, 13 Sept. 2007.

Our Way implementation has been undermined by several persistent challenges, including that:

- ACCOs have not been funded at the scale needed to lead change
- *Our Way* has not always been prioritised in government policy and budget decisions, despite being endorsed
- implementation is fragmented, with pilot programs and regional initiatives existing in isolation, rather than consistent statewide rollout of key initiatives
- monitoring of the strategy has focussed on reporting compliance outputs rather than the measurement of genuine systemic changes
- implementation has been driven by government timelines and frameworks rather than through Aboriginal and Torres Strait Islander community leadership and cultural authority.

Aboriginal and Torres Strait Islander Child Placement Principle (CPP)

The CPP has long been a foundation of culturally safe child protection practice in Australia.⁵ The CPP and its five interrelated elements (prevention, partnership, placement, participation and connection) are legislated in Queensland's *Child Protection Act 1999*. The CPP operationalises the *Child Protection Act's* 'best interests' principle for Aboriginal and Torres Strait Islander children by safeguarding cultural identity, kinship networks, participation and connection, which are core determinants of safety and wellbeing for Aboriginal and Torres Strait Islander children.

The CPP's legislative status reflects clear intent to uphold the rights of Aboriginal and Torres Strait Islander children. However, despite this intent, the CPP is not fully or consistently implemented across Queensland, with significant gaps between principle and practice documented over many years. Key challenges include:

- inconsistent adherence to the agreed placement hierarchy
- inadequate consultation with ACCOs in determining placements of children
- insufficient resourcing to identify and support family, kin and community placements
- insufficient resourcing for ACCOs to provide culturally safe supports – both preventative supports that would divert families from the statutory child protection system, *and* tailored cultural supports for children who are already in out-of-home care
- lack of genuine partnership and transfer of authority to Aboriginal and Torres Strait Islander communities or organisations.

For detailed information on the progress of CPP implementation in Queensland, refer to **Appendix A** *Reviewing the Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Queensland 2025*.⁶

⁵ SNAICC (2018) *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation*. Melbourne: SNAICC – National Voice for our Children.

⁶ SNAICC (2026) *Reviewing the Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Queensland 2024*. Melbourne: SNAICC – National Voice for our Children.

Human Rights Act 2019 (Qld)

Queensland's Human Rights Act affirms rights directly relevant to children in OOHC, including the right to protection of families and children (s26) and cultural rights of Aboriginal and Torres Strait Islander peoples (s28). It requires public entities, including child protection authorities and service providers, to act and make decisions consistent with these rights.

Implications for the Inquiry

Many of the reforms required to achieve the systemic transformation needed have already been endorsed through existing national and state-based frameworks and commitments; however, their implementation has been inconsistent.

The misalignment between commitment and implementation is driving the ongoing failure of the system to protect Aboriginal and Torres Strait Islander children and young people and to keep them from unnecessarily entering the OOHC system. Ongoing structural and systemic barriers, including limited funding and resourcing for ACCOs, poor data transparency, over-reliance on residential placements, inconsistent departmental engagement and weak accountability continue to undermine these commitments.

Given that the Inquiry is already underway and now approaching its conclusion, it is essential that its final analysis and recommendations are firmly grounded in the existing legislative, policy and human rights frameworks that govern Queensland's child protection system.

Recommendation 1: That the Commission's report explicitly compares practice in the Queensland child protection system against current legislative, policy, cultural framework and standards, as well as existing commitments and obligations under international law, with particular focus on the rights, needs and experiences of Aboriginal and Torres Strait Islander children, families and communities.

Recommendation 2: That the Commission's report concentrate on understanding the systemic, operational and cultural barriers that are preventing full implementation of existing legislative requirements, government policy commitments and Australia's human rights obligations in the child protection system and focus its recommendations to address these barriers.

Recommendation 3: That the Queensland Government urgently review the current implementation of *Our Way*, fast-track relevant priorities and implement the strategy in full, without delay.

Recommendation 4: That the Commission call on the Queensland Government to ensure full, consistent and accountable implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (CPP) as required by legislation.

Accountability – Establishing a dedicated, legislated and independent Aboriginal and Torres Strait Islander Children and Young People’s Commissioner

Independent statutory oversight is essential to strengthening the integrity and consistency of Queensland’s child safety system, as well as accountability to the Queensland Government’s national, international and state commitments and obligations. A dedicated, legislated and independent Aboriginal and Torres Strait Islander Children and Young People’s Commissioner with this mandate would provide culturally grounded oversight and ensure that systems and services uphold the rights, safety, and wellbeing of our children and young people in Queensland, through:

- advocating for the rights of Aboriginal and Torres Strait Islander children and young people across all areas of government and service systems
- monitoring and publicly reporting on the implementation of *Our Way* and other strategies affecting Aboriginal and Torres Strait Islander children and young people
- providing independent accountability for the development and operation of policies and programs affecting Aboriginal and Torres Strait Islander children and young people.

Establishing a dedicated, legislated and independent Aboriginal and Torres Strait Islander Children and Young People’s Commissioners in each jurisdiction is an agreed action under the *Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023–2026*. Through its commitment to *Safe and Supported*, and its extensive participation (with the Australian, State and Territory Governments and the *Safe and Supported Aboriginal and Torres Strait Islander Leadership Group*) in the negotiation of the *First Action Plan*, Queensland has already agreed to establishing and legislating this critical oversight structure. This reform would also be consistent with Queensland’s commitments under *Priority Reform 3* of the *National Agreement*.

The recently endorsed *Minimum Requirements for Aboriginal and Torres Strait Islander Children’s Commissioners*⁷ (developed under *Action 7.a* of the *Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023-26*) provide a model for Queensland to follow to ensure a truly independent and effective commissioner.

⁷ The *Minimum Requirements* were developed with consideration to the United Nations Principles Relating to the Status of National Human Rights Institutions (the Paris Principles), which outline the international standards for national human rights institutions and provide valuable guidance for the operation of Aboriginal and Torres Strait Islander Children and Young People’s Commissioners. The *Minimum Requirements* were endorsed by the Australian Government, the Aboriginal and Torres Strait Islander Leadership Group, and some states and territories at the *Safe and Supported Shared Decision-Making Committee* meeting in October 2025.

Recommendation 5: The Queensland Government establish a dedicated, legislated and independent, Aboriginal and Torres Strait Islander Children and Young People’s Commissioner using the *Minimum Requirements for Aboriginal and Torres Strait Islander Children’s Commissioners*.

Partnership – Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP)

As the peak body for the Aboriginal and Torres Strait Islander child protection, family support and youth justice sectors in Queensland, SNAICC recognises Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) as best placed to provide vital advocacy and voice to the issues at hand as part of this Inquiry. QATSICPP has worked in partnership with Aboriginal and Torres Strait Islander leaders and the Queensland Government over its 21-year history, amplifying the voices of its member organisations to provide expert advice to government on how reforms should be operationalised to ensure that services delivered to Aboriginal and Torres Strait Islander children, families and communities are culturally safe and appropriate.

QATSICPP’s authority is derived from its accountability to member organisations and the communities they support. This has formed part of QATSICPP’s remit over its history, and it continues to lead the development of solutions that respond to the unique strengths and needs of Aboriginal and Torres Strait Islander children, families and communities. QATSICPP also plays a role in capacity building in Queensland’s ACCO sector through the provision of training, workforce development and sector support so that reform implementation can be strengthened.

SNAICC supports and reaffirms QATSICPP’s calls to action provided in submissions to both the 2023 residential care inquiry and the current inquiry, which recommended:

- a review of all placements of Aboriginal and Torres Strait Islander children in residential care.
- the establishment of Aboriginal and Torres Strait Islander governance mechanisms to monitor and ensure compliance with the CPP and administer funding for residential care.
- increased investment in Aboriginal and Torres Strait Islander-led family-based healing models.
- support for ACCO-led, community-designed programs and models and a reassignment of funding to these models.
- opposition to current and future dormitory-style or large-scale institutional care models (this recommendation was in the 2025 submission only).⁸

SNAICC also takes this opportunity to echo our joint statement with QATSICPP, the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, and the Queensland Aboriginal and Torres Strait Islander Children’s Commissioner; we urge the Commission of Inquiry to protect and recommend the full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle in Queensland.

⁸ QATSICPP (2023) *Residential Care Review Submission October 2023* and (2025)

The current state of child protection in Queensland

Structural factors continue to drive Aboriginal and Torres Strait Islander families into contact with the child protection system. Despite decades of inquiries, strategies and commitments, Aboriginal and Torres Strait Islander children continue to be removed at devastating rates, placed in settings that undermine their safety and connection to culture and community, and denied the supports that could have kept them safely at home with their families. The system continues to respond at the point of crisis, rather than investing in prevention and early intervention, and too often sidelines the cultural knowledge, authority and leadership of Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander children experience earlier and longer contact with child protection systems than non-Indigenous children.⁹ Removal from family, kin, community and Country has compounding and lifelong impacts on Aboriginal and Torres Strait Islander children and increases their risk of experiencing mental health issues, substance misuse, homelessness and incarceration. Once a child is removed from their family, they are likely to experience placement instability with frequent placement changes; increased risk for poor outcomes in education, health and justice involvement; and ongoing disconnection from culture, family and Country.¹⁰

Data shows that Aboriginal and Torres Strait Islander children continue to be taken into care at persistently high and disproportionate levels¹¹ – in direct contradiction to commitments made by the Queensland Government.

Over-representation in Queensland

Aboriginal and Torres Strait Islander children in Queensland remain significantly over-represented in OOHC and, each year, are removed at disproportionately higher rates compared to non-Indigenous children.¹² Over-representation (including children on TPPROs) has increased each year since 2020.¹³ In 2023-24 in Queensland, the rate of Aboriginal and Torres Strait Islander children in OOHC or on TPPROs was 49.1 per 1,000, compared with 5.7 per 1,000 for non-Indigenous children. Over the same five-year period, Aboriginal and Torres Strait Islander infants were 6.3 times more likely to be in OOHC and TPPROs than their non-Indigenous counterparts.¹⁴

In 2023-24¹⁵ Aboriginal and Torres Strait Islander children in Queensland were:

- 5.2 times more likely than non-Indigenous children to be reported to child protection authorities (subject to a notification).

⁹ SNAICC (2025) *Family Matters Report 2025 Part 1*

¹⁰ DFSDS&CS (Department of Families, Seniors, Disability Services and Child Safety) (2024) *Children in Care Census 2024*. <https://performance.dcssds.qld.gov.au/improving-care-and-post-care-support/who-we-work-with/2024-census-of-children-in-care>

¹¹ SNAICC (2025) *Family Matters Report 2025 Part 1*

¹² *ibid*

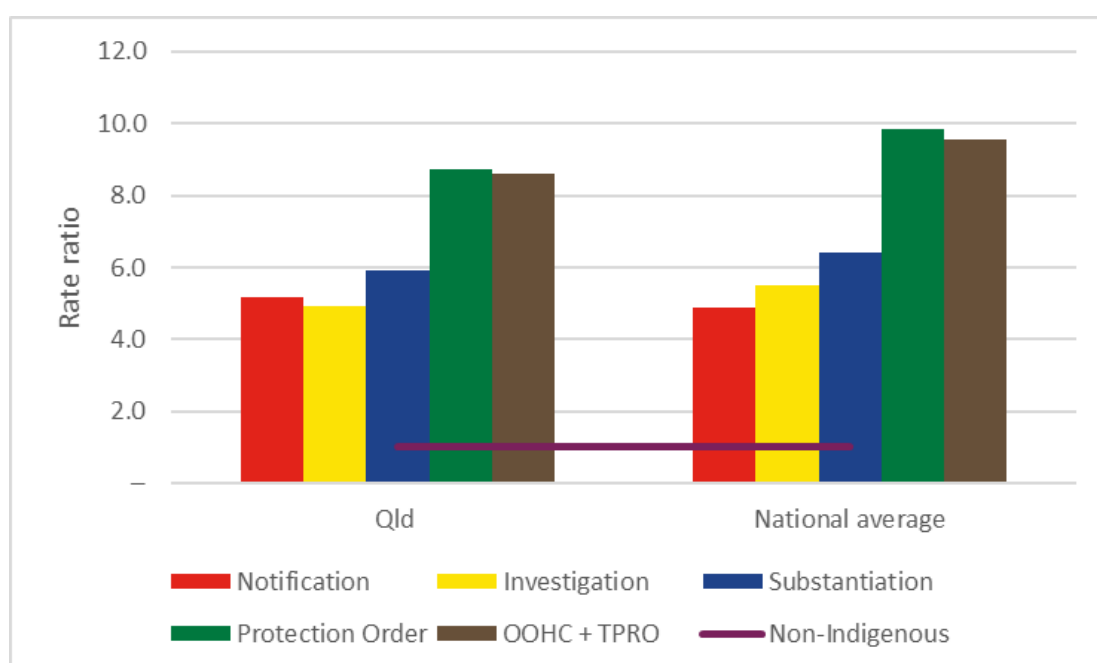
¹³ Above n. 4, Table T3.

¹⁴ Above n. 4, Tables s5.5 and P4.

¹⁵ Due to Queensland's Department of Families, Seniors, Disability Services and Child Safety transition to a new client management system, more recent data is not available.

- 4.9 times more likely to have notifications investigated.
- 5.9 times more likely to have notifications substantiated.
- 8.7 times more likely to be subject to a care and protection order.
- 8.6 times more likely to be in OOHC and on third-party parental responsibility orders (TPPRO).¹⁶

Over-representation of Aboriginal and Torres Strait Islander children in child protection, by stage of involvement, in Queensland compared to the national average (FY 2024-25)



Source: *Steering Committee for the Review of Government Services Provision (SCRGSP) (2025) Report on Government Services 2025, Part F Section 16 Child protection Services, Productivity Commission, Australian Government, Table 16A.1.*

In 2023-24, Aboriginal and Torres Strait Islander children in Queensland were subject to a child protection notification at a rate of 269.7 per 1,000 children, an increase of 12% from 2022-23 and compared to 54.7 per 1,000 for non-Indigenous children. Disproportionately high rates of notification show the need for improved access to early and targeted family supports to reduce the risk of contact with the statutory child protection system.¹⁷

Aboriginal and Torres Strait Islander children in Queensland were subject to an investigation at a rate of 129.1 per 1,000, compared to 19 per 1,000 for non-Indigenous children in 2023-24. These figures represent a 3% increase in the rate of investigation for Aboriginal and Torres Strait Islander

¹⁶ Steering Committee for the Review of Government Services Provision (SCRGSP) (2025) *Report on Government Services 2025, Part F Section 16 Child protection Services, Productivity Commission, Australian Government, Table 16A.1.*

¹⁷ Steering Committee for the Review of Government Services Provision (SCRGSP) (2025) *Report on Government Services 2025, Part F Section 16 Child protection Services, Productivity Commission, Australian Government, Table 16A.1.*

children from the previous year, alongside a 10% decrease for non-Indigenous children.¹⁸ Likewise, Aboriginal and Torres Strait Islander children were subject to a substantiation at a significantly higher rate than non-Indigenous children, at 22.5 per 1,000 compared to 3.8.¹⁹

Placement of Aboriginal and Torres Strait Islander children in care

Connection to family strengthens a child's cultural identity and embeds a stronger sense of cultural connection, as both family and culture are intertwined in the care and support of Aboriginal and Torres Strait Islander children. Connection to family and culture is a protective factor in promoting overall social, emotional and spiritual wellbeing, resilience, a sense of belonging and positive life outcomes.²⁰ These protective factors are disrupted by the separation of Aboriginal and Torres Strait Islander children from their families, kin and community.

The CPP prioritises placement of Aboriginal and Torres Strait Islander children with kin or with Aboriginal and Torres Strait Islander carers. However, in Queensland, at 30 June 2024:

- the proportion of Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander kin was 24.5%, having not increased from the previous year.
- only 52.7% of Aboriginal and Torres Strait Islander children were placed with one of the three 'preferred placement types' under the CPP (Aboriginal and Torres Strait Islander family/kin, a non-Indigenous relative, or another Aboriginal or Torres Strait Islander carer) – meaning that a concerning 47.3% of Aboriginal and Torres Strait Islander children in OOHC were placed in non-Indigenous, non-relative care.²¹

Residential care

Numbers of Queensland children placed in residential care are increasing dramatically, particularly Aboriginal and Torres Strait Islander children (for whom residential care placement now exceeds placement with (non-family/kin) Aboriginal and Torres Strait Islander carers). In 2023-24, 18% of Aboriginal and Torres Strait Islander children in OOHC in Queensland were placed in residential care –the highest rate in the country and far exceeding the national average of 10.5% (ROGS 16A.23).

Placement in residential care is the least preferred option for children in care under the CPP, as it is widely recognised as being harmful to children. In Victoria, the Yoorrook Justice Commission found that current models of residential care are unsafe for Aboriginal and Torres Strait Islander children, concluding that:

- placement in residential care is criminogenic, and once placed in residential care, these children face a heightened risk of contact with the youth justice system.

¹⁸ Above n. 2, Table 16A.1.

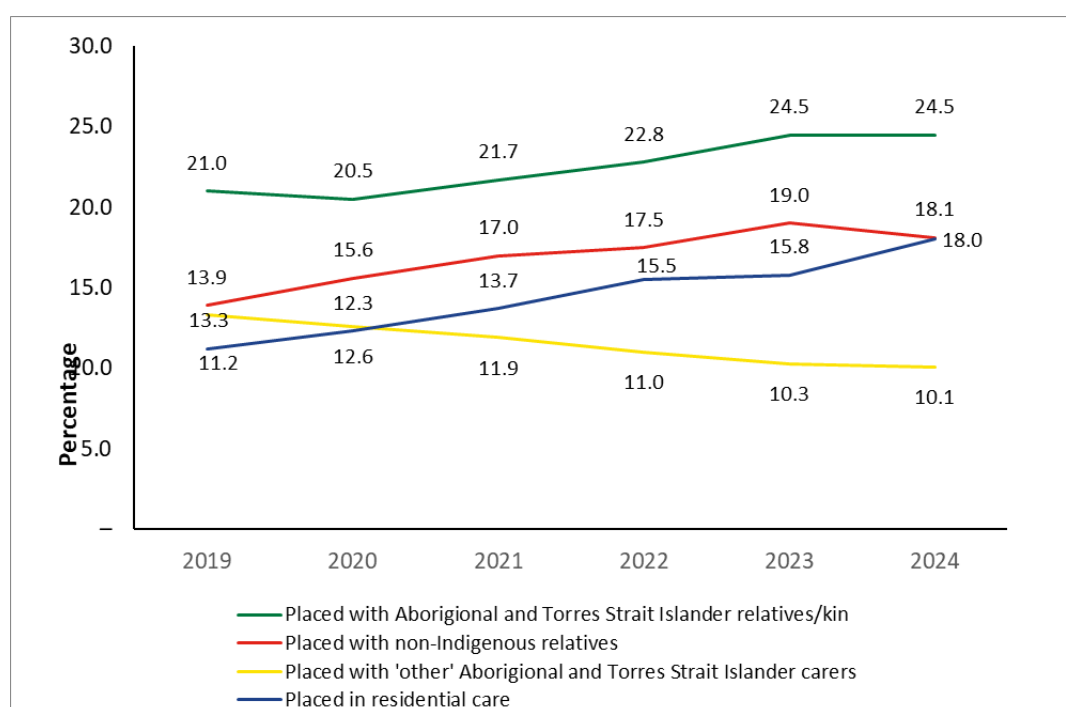
¹⁹ Above n. 2, Table 16A.1.

²⁰ AIHW (2025) *Family & Community – Indigenous Mental Health & Suicide Prevention Clearinghouse*; Queensland Health (2021) *Social and Emotional Wellbeing: Domains, Contributing/Risk and Protective Factors*; NHMRC (2025) *Culture Intrinsic to Health for Aboriginal and Torres Strait Islander People (Mayi Kuwayu Study)*.

²¹ Above n. 2, Table 16A.23.

- children living with trauma in residential care do not get the services and supports they need.
- children in residential care are at higher risk of going missing, encountering sexual exploitation, and being homeless upon leaving care.²²

Proportion of Aboriginal and Torres Strait Islander children in OOHC placed with one of three preferred placement types (Aboriginal and Torres Strait Islander relatives/kin, non-Indigenous relatives or ‘other’ Aboriginal and Torres Strait Islander carers), and in residential care, in Queensland (2019 to 2024)



Steering Committee for the Review of Government Services Provision (SCRGSP) (2025) Report on Government Services 2025, Part F Section 16 Child protection Services, Productivity Commission, Australian Government, Table 16A.23

A review by the Queensland Family and Child Commission (QFCC) found that the CPP is bypassed when children are placed in residential care – undermining children’s connection to kin, culture and Country.²³ Not only is residential care culturally and often physically and emotionally unsafe,²⁴ it is often the most vulnerable children who are placed there:

- As of 30 June 2022, 70% of Aboriginal and Torres Strait Islander children in residential care in Queensland were registered with NDIS.
- On 31 March 2023, 528 children in residential care in Queensland were under the age of 12. Of these, 48% are Aboriginal and Torres Strait Islander children.

²² Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems*.

²³ Queensland Family and Child Commission (2022) *the decision to place an Aboriginal and Torres Strait Islander child or young person in residential care*

²⁴ AIHW 2025

- The over-representation of Aboriginal and Torres Strait Islander children is even more prominent in the early years – in 2023, 68% of children aged 0–4 years in residential care are Aboriginal and Torres Strait Islander children.²⁵

The placement of young children in residential care is a grave contravention by the Queensland Government of its human rights obligation to protect children from harm. This situation has arisen despite Queensland Government protective guidelines stating that children, especially Aboriginal and Torres Strait Islander children, under the age of 12 should only be placed in residential care in very limited circumstances.²⁶

Recommendation 6: That the Commission call on the Queensland Government to address the underlying drivers of the high number of Aboriginal and Torres Strait Islander children placed in residential care, particularly Aboriginal and Torres Strait Islander children under the age of 12, and to urgently review each child’s placement needs in collaboration with ACCOs and the community.

The cost of residential care in Queensland is projected to grow to \$7 billion annually by 2030²⁷ – an investment that could instead be directed to supporting families so children can remain safely at home, consistent with the intent of *Our Way, Safe and Supported*, the *Child Protection Act 1999* (Qld) and Australia’s human rights obligations.

Given the unsustainable trajectory of OOHC expenditure, in finalising its deliberations, this Commission should examine:

- the sustainability of current funding models
- the capacity of these models to uphold the safety and wellbeing of children in OOHC
- the urgent need for the Queensland Government to reassign resources, currently directed to for-profit companies, to ACCOs.

Compounding these financial pressures is the increasing use of ‘pop-up’ residential care facilities, an emerging practice that raises significant concerns about safety, cultural integrity, and regulatory oversight. These arrangements, where registered but unlicensed private providers take out residential leases and assume the care of Aboriginal and Torres Strait Islander children cannot provide care at the same standard of licenced facilities. Such facilities are often far from the child’s home community, are not culturally safe and do not provide an appropriate OOHC setting. Unlicensed for-profit organisations increase risk to children’s safety and wellbeing and should not be permitted to operate residential care facilities.

²⁵ QATSICPP (2023) *Residential Care Review Submission October 2023*, <https://www.qatsicpp.com.au/wp-content/uploads/2023/10/QATSICPP-Residential-Care-Review-Submission-FINAL-2023.pdf>

²⁶ See: Queensland Government, ‘Place a child in care’, *Child Safety Practice Manual*, available at: <https://cspm.csyw.qld.gov.au/procedures/provide-and-review-care/place-a-child-in-care>

²⁷ Queensland Family and Child Commission (2025) *Buyer Beware: How economic forces are shaping Queensland’s residential care market*

SNAICC firmly opposes proposals to reintroduce large-scale or dormitory-style institutional models of residential care, recognising that such models replicate systems that have caused profound and lasting harm to Aboriginal and Torres Strait Islander children and communities. Both historical experience and contemporary evidence show that these institutional environments are neither safe nor effective.²⁸ They fail to provide the relational, cultural and therapeutic environment children need. Instead of reverting to institutionalised approaches, Queensland should invest in Aboriginal and Torres Strait Islander-led residential models that are already demonstrating success.

Two examples are the ‘Jarjums Home’ and ‘Babies Gunyah’ models offered by REFOCUS Aboriginal and Torres Strait Islander Services, which provide culturally safe, family-focused residential care aimed at early intervention, reunification and reducing time in care. These services offer flexible supports, ranging from 12-week wrap-around residential programs to short-term residential placements. Jarjums Home supports reunification for children aged 0–18, while Babies Gunyah provides intensive supports for mothers and infants to avoid statutory involvement by addressing housing, health and parenting needs.

These services demonstrate how culturally grounded, community designed approaches can keep children safe while maintaining their connections to family, culture and Country. Both models illustrate the type of stable, culturally connected care environments that Queensland’s future child protection system must be built around.

Similar ACCO-led residential models operate in Palm Island and Cape York, providing culturally safe care across the child protection continuum. SNAICC refers the Commission to QATSICPP for further details on this work.

Recommendation 7: That the Queensland Government prioritise increased funding for ACCOs including urgently reassigning resources currently directed to for profit companies to ACCOs to enable ACCOs to provide child protection and family support services for Aboriginal and Torres Strait Islander families.

Exits from care

Exit pathways from OOHC reported by the Australian Institute of Health and Welfare (AIHW) include reunification, transition to a third-party parental responsibility order, adoption, ageing out of care and a broad ‘other’ category.²⁹ *Reunification* is typically the preferred outcome for all children, as the remaining pathways result in separation from family, community and culture.

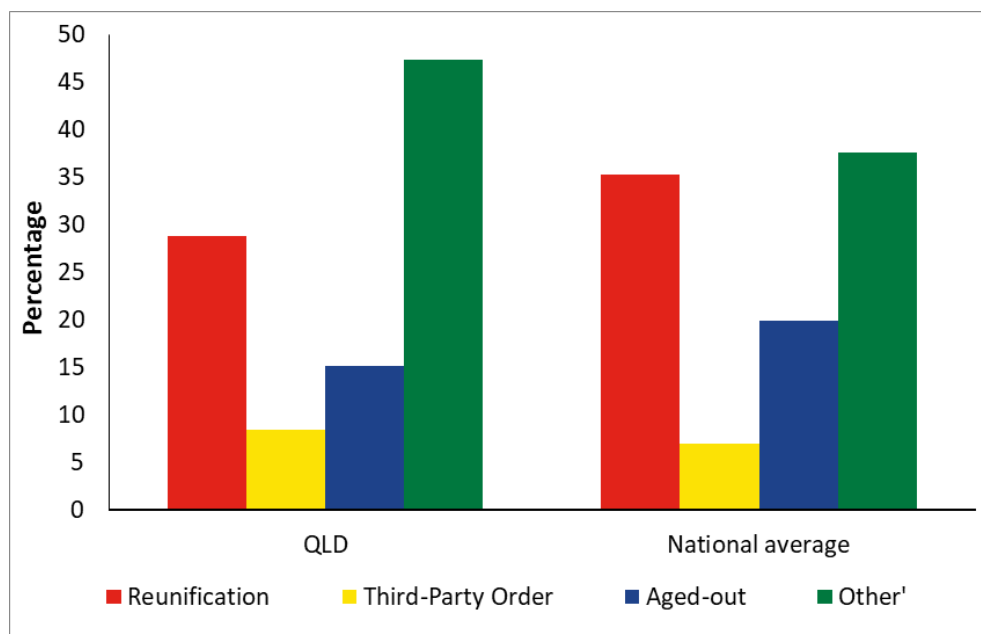
Nationally in 2023–24, 37.6% of Aboriginal and Torres Strait Islander children exited OOHC to ‘other’ circumstances, a category that includes children entering detention, becoming homeless or transitioning to placements outside the scope of OOHC reporting. Queensland recorded the

²⁸ Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems*

²⁹ AIHW 2025, *Child Protection Australia 2023–24 - Data tables: Aboriginal and Torres Strait Islander children 2023-24*. Canberra: Australian Institute of Health and Welfare, Australian Government, Table 10.13.

highest proportion in the country at 47.4%, raising serious questions about whether children are being supported to transition safely and appropriately from OOHC.³⁰

Exit pathways from OOHC for Aboriginal and Torres Strait Islander children in Queensland compared to national average (FY 2023-24)



Source: AIHW 2025, *Child Protection Australia 2023–24 - Data tables: Aboriginal and Torres Strait Islander children 2023-24*. Canberra: Australian Institute of Health and Welfare, Australian Government, Table 10.13.

Note: Percentages are calculated based on the number of children who exited care during the reporting period. 'Other' exit options include children who exit into non-funded independent living, or other living arrangements not covered by OOHC (i.e., detention).

This exceptionally large 'other' category is itself a warning sign. It highlights not only the insufficiency of support provided to Aboriginal and Torres Strait Islander children and families in Queensland, but also the lack of transparency in understanding where children are actually going when they exit care. Current national reporting guidelines allow for broad, inconsistent classifications across jurisdictions, with no nationally agreed definitions for many OOHC pathways, including reunification.

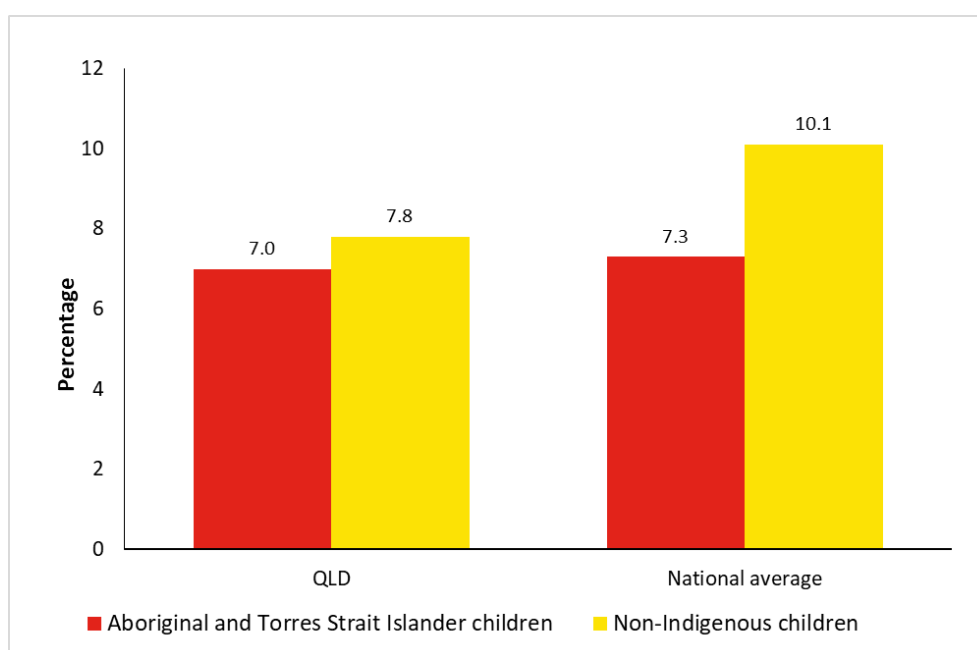
Given these limitations, there is an urgent need for better, more consistent data that clearly distinguishes pathways that expose young people to significant harm (such as detention or homelessness). Until Queensland can reliably track and report these outcomes, it will remain impossible to fully understand why so many Aboriginal and Torres Strait Islander children are leaving care under 'other' circumstances, or to design the reforms required to keep them safe.

In 2022–23, nationally, only 7.3% of Aboriginal and Torres Strait Islander children in OOHC or on TPPROs were reunified, compared to 10.1% for non-Indigenous children. Queensland is below this average, with just 7% of Aboriginal and Torres Strait Islander children in OOHC reunified with their

³⁰ Ibid.

families in 2022-23, compared to 7.8% for non-Indigenous children.³¹ The low reunification rate in Queensland is indicative of insufficient supports for Aboriginal and Torres Strait Islander children and families to safely reunify. Safe reunification requires early engagement, quality family time and ACCO-led casework and post-return supports.

Proportion of Aboriginal and Torres Strait Islander and non-Indigenous children who were reunified from OOHC in Queensland compared to national average (2022–23)



Source: AIHW 2025, *Child Protection Australia 2023–24 - Data tables: Aboriginal and Torres Strait Islander children 2023-24*. Canberra: Australian Institute of Health and Welfare, Australian Government, Tables 10.18 and T3.

Note: Proportions have been calculated as the total number of Aboriginal and Torres Strait Islander children who exited to each year divided by the number of Aboriginal and Torres Strait Islander children in OOHC and TPROs. The same formula was used for non-Indigenous children.

Adoption

Adoption should not be used as a permanency option for Aboriginal and Torres Strait Islander children, except in the context of Torres Strait Islander customary adoption. Adoption permanently severs a child’s legal ties to their family, community and culture, causing lifelong harm by disrupting identity, belonging and cultural continuity³². Any approach to permanency must instead uphold children’s cultural rights and connections through pathways aligned with self-determination, including kinship care, ACCO-led guardianship and delegated authority.

³¹ Above n. 13, Table 10.18.

³² Turnbull-Roberts, V., Salter, M., & Newton, B. J. (2022) *Trauma then and now: Implications of adoption reform for First Nations children*. *Child & Family Social Work*, 27(2), 163–172. <https://doi.org/10.1111/cfs.12865>

The pathway from child protection to youth justice

Reform to the child safety system cannot be undertaken in isolation from reform to the youth justice system. In 2023, Aboriginal and Torres Strait Islander children in Queensland were almost three times more likely than non-Indigenous children to be on both child protection and youth justice orders.³³

Residential care settings are particularly acute for the criminalisation of Aboriginal and Torres Strait Islander children. In residential care settings, it is common for police to be involved in disciplinary responses that otherwise would have been handled in the family.³⁴ This pattern has become so recognisable and consistent that it has its own term: ‘care criminalisation.’³⁵ This is the criminalisation and incarceration at disproportionate rates of children in out-of-home care, particularly Aboriginal and Torres Strait Islander children, who often carry histories of trauma and neglect. Through the process of ‘care criminalisation,’ children who are particularly disadvantaged or ‘at risk’ are understood and policed as if they are ‘a risk.’³⁶ SNAICC is very concerned at the long term impact of Queensland’s increasing reliance on residential care for vulnerable Aboriginal and Torres Strait Islander children.

Contact with the youth justice system has lifelong impacts; statistically, once a child has had contact with the youth justice system, the probable consequences include disconnection from education, high likelihood of reoffending and progressing to the adult criminal justice system, and greater likelihood of early death.³⁷ In Queensland on an average day, 71% of children in custody are Aboriginal and Torres Strait Islander children.³⁸ Aboriginal and Torres Strait Islander children in Queensland are 30 times more likely to be held in custody and 27 times more likely to be remanded compared to non-Indigenous children.³⁹

Queensland’s increasing reliance on placing Aboriginal and Torres Strait Islander children in residential care, combined with recent changes to the Youth Justice Act (‘Adult Crime, Adult Time’) and increasingly punitive bail settings, if unchanged, will create a disastrous scenario within the next decade.

³³ QFCC (2024) *The crossover cohort: The extent of the crossover between the Queensland youth justice and child protection systems*

³⁴ Davis, M 2019. ‘Family is Culture: Independent Review into Aboriginal Children and Young People in OOHC.

³⁵ McFarlane, K. (2018). Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system. *Australian and New Zealand Journal of Criminology*, 51 (3), 412–433. Retrieved from: <https://psycnet.apa.org/record/2018-38858-006>.

³⁶ McCausland, R and Dowse, L. (2022). “From ‘at risk’ to ‘a risk’: The criminalisation of young people with cognitive disability in residential care.” *Incarceration* 3 (2), pp. 1-17. Retrieved from: <https://journals.sagepub.com/doi/full/10.1177/26326663211021687>.

³⁷ Kinner, S et al (2025) *Rates, causes, and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage study*, *The Lancet Public Health*, Volume 10, Issue 4, e274 - e284

³⁸ Queensland Department of Youth Justice and Victim Support (2024) Youth Justice Pocket Stats September 2024.

³⁹ Queensland Department of Youth Justice and Victim Support (2024) Youth Justice Pocket Stats September 2024.

Recommendation 8: Consistent with *Our Way*, that the Queensland Government responds to the increasing removal of Aboriginal and Torres Strait Islander children from their families, kin, communities and Country by prioritising the realignment of its policy and practice, funding and resources to support prevention and earlier intervention to vulnerable Aboriginal and Torres Strait Islander children and families.

Recommendation 9: That adoption, other than Torres Strait Islander customary adoption, not be used as a permanency option for Aboriginal and Torres Strait Islander children within Queensland's child protection system.

Recommendation 10: That the Commission's report recommend an integrated reform approach that addresses the clear and harmful overlap between Queensland's child protection and youth justice systems, with a specific focus on eliminating the pathways that lead Aboriginal and Torres Strait Islander children from out-of-home care, particularly residential care, into the youth justice system.

Aboriginal and Torres Strait Islander leadership must underpin all systemic reform

Transforming outcomes for Aboriginal and Torres Strait Islander children in Queensland requires systemic reform that places community leadership, cultural authority and shared decision-making at the centre. The current system continues to produce disproportionate and harmful outcomes, in part because the voices, expertise and authority of Aboriginal and Torres Strait Islander communities have not been embedded within service delivery and decision-making structures at every level – too many child protection decisions in Queensland are made exclusively within government systems or by non-Indigenous providers. Genuine shared decision-making requires that ACCOs lead the design, development and delivery of services and policy that affect Aboriginal and Torres Strait Islander children and families. Without this shift in authority, the system will continue to reproduce inequity and disconnection.

The National Agreement on Closing the Gap sets out a clear framework for this transformation

- Priority Reform 1 commits governments to partnership and shared decision-making with Aboriginal and Torres Strait Islander peoples, recognising that policies and systems cannot succeed when they are imposed upon, rather than designed with, those most affected.
- Priority Reform 2 requires governments to strengthen and grow the ACCO sector, acknowledging that culturally grounded, community-controlled organisations are best placed to support families, prevent harm and uphold the rights and wellbeing of children.
- Priority Reform 3 focuses on transforming government organisations to ensure they are culturally safe, accountable, and responsive to the needs and aspirations of Aboriginal and Torres Strait Islander peoples. This includes reforming systems, structures and practices so that they uphold self-determination and embed First Nations-led approaches.
- Priority Reform 4 commits governments to sharing access to high-quality, locally relevant data and information at regional levels, enabling Aboriginal and Torres Strait Islander communities to drive decision-making, monitor progress, and shape priorities based on evidence they control.⁴⁰

These reforms are not aspirational goals; they are binding commitments that provide a roadmap for genuine structural change. For Queensland's child protection system, this means shifting authority, investment and responsibility to ACCOs, embedding cultural governance in all aspects of child protection and ensuring that communities have the power to design, implement and oversee the systems intended to support them, in line with the Partnership element of the CPP. Positive outcomes can be achieved through the implementation of community controlled and culturally safe strategies, so there is a need to ensure that ACCOs are funded appropriately and hold the authority for appropriate decision-making on an ongoing basis across Queensland. Delegated authority and transfer of funding to Aboriginal Community Controlled Organisations are the two main systemic reforms that will drive change and improve the safety and lives of Aboriginal and Torres Strait Islander children in contact with the child protection system.

⁴⁰ Department of Social Services (2020) *Closing the Gap: The National Agreement*.

Crises averted – supporting families earlier through culturally safe, ACCO-led universal and targeted services

Preventative and early intervention are the needed foundations for a system that seeks to keep children safe while keeping families strong. Timely access to culturally safe universal and targeted supports enables risks to be identified and addressed before they escalate, reducing reliance on statutory intervention and minimising avoidable trauma to children and families. System settings that position help seeking as a strength rather than a trigger for surveillance increase voluntary engagement and support sustained connection to services over time. The Victorian Government's recent introduction of a *Children, Youth and Families Amendment (Supporting Stable and Strong Families) Bill 2025* (Vic) is consistent with the intent of this preventative architecture and would deliver an early intervention guarantee.

Where Aboriginal and Torres Strait Islander families and communities are concerned, ACCOs represent the gold standard in multidisciplinary, wraparound, tailored early supports.⁴¹ The evidence is clear that ACCOs – by being embedded deep in the fabric, culture and history of their local community – are best placed to improve outcomes for Aboriginal and Torres Strait Islander children and families by delivering community-led, culturally safe child and family services.

In Queensland this wrap-around support is typified by the ACCO-delivered Aboriginal and Torres Strait Islander Family Wellbeing Services (FWS). FWS are available to all Aboriginal and Torres Strait Islander families and provide holistic culturally safe support to improve social, emotional, physical and spiritual wellbeing. An evaluation showed that 91% of families who have had their needs met by a FWS stay out of the child protection system in the subsequent 6 months.⁴² FWS success is underscored by high self-referral numbers and, unfortunately, long waitlists to access their services. There is an urgent need for increased investment in FWS throughout Queensland, to ensure that their best practice holistic intensive support reaches all families and children in need.⁴³

Despite the widely acknowledged human benefits of investing in earlier supports, and that all Australian governments have made commitments to do so under Safe and Supported, in 2023-24 only 26.7% of total child protection expenditure was spent on FSS, IFSS and preventive intervention services, with the remainder spent on the provision of OOHC.⁴⁴ Additionally:

- only 4.8% of the Queensland Government's total child protection expenditure was directed to ACCOs, despite Aboriginal and Torres Strait Islander children and young people making up 57.8% of all children in OOHC
- only 20.5% of Family Support Services funding and 28.6% of Intensive Family Support Services funding was directed to ACCOs

⁴¹ SNAICC (2022) *Stronger ACCOs, Stronger Families*

⁴² Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited (2024), Submission to the Queensland Trauma Strategy, p13.

⁴³ Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited (2024), Submission to the Queensland Trauma Strategy.

⁴⁴ SNAICC 2025, *Family Matters Report 2025*

In other words, funding levels are not commensurate with the escalating over-representation of Aboriginal and Torres Strait Islander children in the system, and the Queensland Government relies far too heavily on non-Indigenous organisations to deliver services for Aboriginal and Torres Strait Islander families.

Investment in population-wide prevention strategies and focused early intervention for vulnerable groups are critical to reducing over-representation of Aboriginal and Torres Strait Islander children in the child protection system. The *National Agreement on Closing the Gap, Safe and Supported* and *Our Way* all emphasise the importance of prevention and early intervention supports to help ameliorate the impacts of social disadvantage, colonisation, intergenerational trauma and poverty experienced by Aboriginal and Torres Strait Islander children.

The economic benefits of early intervention

There is a substantial evidence base demonstrating that considerable net savings can be achieved by investing upstream in early intervention services and supports.⁴⁵ Early intervention encompasses support provided early in life and early in need, averting both the trauma and disruption brought about by statutory child removals as well as escalating costs of tertiary responses, particularly where heavily institutionalised models, such as residential care, are utilised.

Recent modelling by AbSec – NSW Child, Family and Community Peak Aboriginal Corporation finds that broader ACCO-led early supports for Aboriginal and Torres Strait Islander children and families would generate a \$3.83 return for every \$1 invested.⁴⁶ These supports include maternal and child health services, trauma-informed therapeutic care, integrated community hubs, flexible outreach, kinship advocacy and cultural mentoring and healing programs that are culturally safe and evidence informed.⁴⁷ The modelling demonstrates substantial avoided costs through diversion from tertiary systems, including child protection, OOHC, youth justice and adult incarceration. It also identifies benefits associated with families remaining intact or being more swiftly reunited, and strengthened connection to protective factors such as culture, Country, education, health and workforce participation. AbSec's analysis estimates total potential savings and avoided costs of up to \$3 million per family.

Similarly, Berry Street in its 2019 report *The economic case for early intervention in the child protection and out-of-home care system in Victoria* found that targeted early investment programs could prevent approximately 1,200 children per year from entering care and deliver savings to the Victorian Government of \$1.6 billion over ten years.⁴⁸

⁴⁵ See for example AbSec and Lumenia (2025) *The economic and social returns of Reinvesting in Families: Evidence-based economic case for investing in earlier, Aboriginal and Torres Strait Islander community-controlled organisation-led services*; Deloitte Access Economics and Gurriny Yealamucka Health Service (2022) *Economic evaluation of the Family Wellbeing program – Early findings in Yarrabah*; and Berry Street (2019) *The economic case for early intervention in the child protection and out-of-home care system in Victoria*

⁴⁶ AbSec and Lumenia (2025) *The economic and social returns of Reinvesting in Families: Evidence-based economic case for investing in earlier, Aboriginal and Torres Strait Islander community-controlled organisation-led services*

⁴⁷ AbSec and Lumenia (2025)

⁴⁸ Berry Street (2019) *The economic case for early intervention in the child protection and out-of-home care system in Victoria*

In Queensland, the fiscal pressures associated with tertiary responses are acute. In 2023-24, the cost of residential care was \$405 per child per night, a figure that has more than doubled in eight years.⁴⁹ In an inflationary environment where governments are seeking to contain service delivery costs, the economic case for sustained investment in ACCO-led early intervention and prevention should be a central consideration for the Queensland Government.

Recommendation 11: That the Commission examine current funding models and highlight the urgent need for increased government investment in prevention and early intervention, with funding and resources prioritised for and directed to Aboriginal Community Controlled Organisations.

National Child and Family Investment Strategy (NCFIS)

As mentioned above, under Safe and Supported, all governments have committed to implementing a greater focus on preventative, early and targeted supports, particularly for children and families experiencing vulnerability or disadvantage.⁵⁰ This commitment is to be operationalised through a *National Child and Family Investment Strategy* (Investment Strategy), which was developed under Action 2.a of the *Aboriginal and Torres Strait Islander First Action Plan*.⁵¹ The Investment Strategy sets out a funding reform agenda that aims to shift towards adequate and coordinated funding of early and targeted supports for all children and families, with a particular focus on culturally safe supports delivered by ACCOs for Aboriginal and Torres Strait Islander children and families.

Emphasising the need to rebalance child protection expenditure away from crisis-driven ‘ambulance at the bottom of the cliff’ tertiary systems and towards preventative models that reduce the risk factors associated with statutory intervention, the Investment Strategy provides a set of principles, system elements and example best-practice activities to help guide each government’s approach to shifting investment to earlier supports delivered by ACCOs. It also recognises that government-designed programs often do not meet Aboriginal and Torres Strait Islander community needs; therefore, to achieve the best outcomes for Aboriginal and Torres Strait Islander children, funding mechanism design must be underpinned by Aboriginal and Torres Strait Islander-led decision making.

In October 2025, at a meeting of the Shared Decision-Making Committee (the top-level governance structure for Safe and Supported, made up of all Community Services Ministers and the Aboriginal and Torres Strait Islander Leadership Group), the Investment Strategy was endorsed by the Australian Government, the Leadership Group, and seven jurisdictional governments. However, the Queensland Government deferred its endorsement of the Investment Strategy until the conclusion of this Commission. Given the evidence set out above and the clear need to interrupt the crisis-driven spiral of Queensland’s child protection system, SNAICC urges this Commission to

⁴⁹ Productivity Commission (2026) *Report on Government Services Part F Section 16: Child Protection Services* data table 16A.29

⁵⁰ Focus Area 1: A national approach to early intervention and targeted support for children and families experiencing vulnerability or disadvantage (pp. 26-27). Commonwealth of Australia (2021) *Safe and Supported: The National Framework for Protecting Australia’s Children 2021–2031*

⁵¹ DSS (2023) *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026*

recommend the immediate endorsement of the Investment Strategy, followed by three major streams of implementation:

- investing directly in ACCOs to strengthen and significantly expand the prevention and early support services they deliver to Aboriginal and Torres Strait Islander children and families;
- commencing the transition of funding for prevention and early support services that reach significant proportions of Aboriginal and Torres Strait Islander children and families, such that delivery by non-Indigenous NGOs shifts substantially over the forward estimates towards delivery by ACCOs in line with Priority Reform 2 of the National Agreement on Closing the Gap;
- commencing the co-design of Aboriginal and Torres Strait Islander-led commissioning policies, processes and frameworks to advance community-led decision-making for funding allocation.

Recommendation 12: The Queensland Government endorse the *National Child and Family Investment Strategy* and, as part of that commitment, develop an implementation plan that outlines their strategy for the transfer of resources to Aboriginal Community Controlled Organisations.

Delegated authority – transferring power and responsibility back to community

ACCOs have demonstrated that when they are properly resourced and empowered to lead, children are more likely to remain safely with family, stay connected to culture, and avoid the long-term harms associated with removal into OOHC.⁵² The transfer of power for full governance and delivery of services directly to Aboriginal and Torres Strait Islander families to ACCOs provides crucial cultural support and positive outcomes for children and families. In Queensland, a promising avenue of reform has been pursued in this domain over the past eight years via the roll-out of delegated authority, which should remain a top implementation priority for the Queensland Government.

What is delegated authority?

In the context of child protection, delegated authority is a mechanism that transfers decision-making power from the state back to Aboriginal and Torres Strait Islander communities by authorising ACCOs to make decisions about children and their families that would otherwise remain in the hands of the state. Delegated authority ensures that child protection decision-making is guided by cultural knowledge, kinship networks and an understanding of each child's lived experiences.

Delegated authority is a practical expression of self-determination. It recognises that true safety is found in connection, not removal, and that when ACCOs hold authority in OOHC, children are seen as members of living communities whose safety and healing depend on staying close to family,

⁵² SNAICC (2022) *Stronger ACCOs, Stronger Families*

culture and Country. Delegated authority optimises the service environment for culturally safe and responsive services that are community-led, support children and families based on their needs and aspirations, and include opportunities for the child and family to be actively involved in decisions affecting them.

The delegated authority agenda represents a core lever for transforming child and family systems under *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026*. Delegated authority is explicitly embedded as Action 1 in the First Action Plan, with Activities 1.c and 1.d requiring governments to define jurisdictional approaches to the delegation of legislative authority, develop plans for legislative reform, and implement these reforms with transparent reporting on progress. Its significance is reinforced in the broader *Safe and Supported* framework itself, where Focus Area 2 commits governments to strengthening Aboriginal and Torres Strait Islander leadership and decision-making across child and family systems, embedding First Nations self-determination at the centre of system transformation (p.28).⁵³ These commitments position Delegated Authority as a foundational requirement for shifting power, ensuring Aboriginal Community Controlled Organisations hold genuine authority in decisions that affect children, families, culture and community.

In 2018 the *Child Protection Act 1999 (Qld)*⁵⁴ was amended to include Chapter 4, Part 2A, section 148BB. This section enables the Chief Executive (Child Safety) to delegate one or more of their functions and powers to the Chief Executive Officer of an Aboriginal or Torres Strait Islander entity in relation to an Aboriginal or Torres Strait Islander child. Two early-adopter sites, Central Queensland Indigenous Development in Rockhampton and REFOCUS on the Sunshine Coast implemented and delivered the first trial of the new legislation and received delegation for decision-making about Aboriginal and Torres Strait Islander reunification and contact decisions (see case study below).

The initial pilot has now grown to 14 ACCOs currently holding delegations, with QATSICPP playing an important role as the statewide support and capacity-building organisation for delegated authority across the ACCO sector and the Department, including through their delegated authority

⁵³ DSS (2023) *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026*

⁵⁴ Under s148BB of the *Child Protection Act 1999 (Qld)*, the Chief Executive may delegate one or more of their functions or powers under the Act to the prescribed delegate of an appropriate Aboriginal or Torres Strait Islander entity – as defined in s148BA. Delegations have so far included powers and functions under:

- Section 87, regarding the provision of contact between a child and their family. Under s. 87 the department is empowered to make decisions about whether contact with different members of a child’s family is “appropriate” or “in the child’s best interests”.
- Section 88, regarding an Aboriginal or Torres Strait Islander child’s contact with their “community or language group” – the department must provide this contact “as often as is appropriate in the circumstances”, with members of the community that the department decides are appropriate for the child to have contact with.
- Part 3A (Case Planning), including powers and functions relating to custody orders, family group conferences, care agreements, interventions, and ongoing case plan management under ss. 51A – 51Y. care agreements are outlined in ss 51ZD, 51ZE, 51ZF, 51ZG, 51ZH, and 51ZI.

Delegated authority reflects the shared understanding that ACCOs should have ongoing decision-making authority in relation to the making of orders and ongoing case management for Aboriginal and Torres Strait Islander children – and indeed in all aspects of child protection as is their right as sovereign Nations.

action research program and Community of Practice. In other words, enormous knowledge and expertise already exist in the ACCO sector, and knowledge-sharing occurs frequently across Queensland as ACCOs strive to continuously build their capacity and capabilities.

A further, well-documented benefit of ACCOs in the child and family sector is their diverse multidisciplinary service offering, which enables them to provide families with a wider range of supports across different service domains via a single, trusted entry point⁵⁵. This facilitates a better-integrated, wraparound approach to supporting families that minimises the likelihood of a child or parent falling through the ‘cracks’ between discrete, siloed services – a critically important consideration in the context of family preservation and reunification.

Many ACCOs across Queensland also offer health services, social and emotional wellbeing supports, NDIS access and navigation supports, and a range of programs to proactively support child and family wellbeing long before a challenge or stressor reaches the level of statutory child protection intervention. These holistic service models are crucial in maximising ease of access for children and families to get the supports that they need – without frictions such as extra administrative burden or ‘new client’ waiting times.

Finally, many of the ACCOs currently holding delegations of authority are also those who deliver the Family Participation Program (FPP), Queensland’s implementation of an Aboriginal and Torres Strait Islander Family-Led Decision-Making (ATSIFLDM) model. FPP services involve ACCOs supporting Aboriginal and Torres Strait Islander families to participate in child protection decisions that affect them, with the use of ATSIFLDM models providing strengths-based, solution-focused authority to children, families and extended kinship networks to solve problems and lead decision-making in a culturally safe space.

CASE STUDY – Current operation of delegated authority at REFOCUS

REFOCUS reports a steady increase in referrals to its delegated authority program since the first reunification in December 2021,* and further notes that “none of the children that have so far been reunified would have been without the [delegated authority] process being in place. Further, family time/contact has increased by 46% for children in the delegated authority space.”

In addition to those who have been reunified, other positive outcomes for Aboriginal and Torres Strait Islander children referred to the program include:

- the reconnection of children with their parents, some of whom had never previously met their parents and family
- children being able to live with their siblings or extended family members for the first time in many years
- additional benefits to children such as the provision of supports enabling their return to schooling.

REFOCUS thoroughly implements all five elements of the CPP throughout every stage of their work with children, young people and families. This includes:

⁵⁵ SNAICC (2022) *Stronger ACCOs, Stronger Families*

- spending time with each family to specifically plan for prevention through the identification of strengths, locating what families can achieve, and what supports they need to achieve success (**Prevention**)
- planning and locating family strengths to maximise stable and culturally safe placements within the family network (**Placement**)
- progressing the realisation of self-determination by ensuring that families are fully engaged, and having been given voice, are fully supported in the decisions they make for their own family wellbeing (**Participation**)
- dedicating time to enhancing relationships with Department staff to build trust and resilience, in order to ensure partnerships are not derailed by robust or hard conversations while always centring the consideration of families (**Partnership**)
- maintaining connections to family and increasing reunifications and contact, enabling children to build and maintain a strong sense of culture and identity, thereby protecting their self-esteem and wellbeing (**Connection**).

* QATSICPP (2023) *Promising Practice Case Study: REFOCUS Aboriginal and Torres Strait Islander Child & Family Support Services*. Queensland: QATSCIPP.

The Department must refer families to an FPP whenever significant decisions are being made about a child's safety and wellbeing, and the program is legislated to support families at every stage of decision-making. Demand, however, exceeds the funded capacity of ACCOs delivering FPP, meaning many families miss out. For those who do access it, the ATSIFLDM approach provides a culturally safe, strengths-based process in which children, parents and extended kin lead solutions and make durable decisions. Importantly, FPP works best where the relevant ACCO also holds Delegated Authority: combining cultural authority with statutory decision-making reduces hand-offs, enables timely approvals and implementation of family plans, and improves continuity and accountability in casework. With new evidence for the effectiveness of AFLDM models now available (refer to **Appendix B** *Aboriginal and Torres Strait Islander Family-led Decision Making: Summary Evidence Review Analysis*), it is clear that scaling investment in ACCOs who hold Delegated Authority – including to expand their FPP capacity – will allow more families to benefit from an effective, community-led model and deliver broader system value.

This whole-of-CPP, whole-of-family approach supports better outcomes for Aboriginal and Torres Strait Islander children and families across the entire continuum of child protection interactions, demonstrating clearly why an expanded roll-out of delegated authority is fundamental to improving Queensland's child safety system. It is also important to note that delegated authority arrangements must be supported by enabling ACCOs to access detailed case data held by the Department in order to enable informed planning and decision making (see: Indigenous data sovereignty, below).

Recommendation 13: That the Queensland Government prioritise and accelerate the statewide roll-out of delegated authority for the child protection sector, supported by ACCO access to departmental information systems to enable informed planning and decision making

Indigenous Data Sovereignty

Upholding the human rights of Aboriginal and Torres Strait Islander children requires respecting Indigenous Data Sovereignty. This principle recognises Indigenous peoples' rights to self-determination, participation in decision-making and to maintain control over cultural knowledge and heritage.⁵⁶ Ensuring data sovereignty is not an administrative exercise but a human rights obligation.

Current reporting practices obscure the true scale of the cultural disconnection for Aboriginal and Torres Strait Islander children in OOHC. Children on TPPROs and other permanent care orders remain largely invisible in official data.⁵⁷ This invisibility creates systemic blind spots that obscure the true scale of separation from family, kin and culture, and weakens accountability for the child protection system.

Respecting Indigenous data sovereignty means ensuring that visibility is embedded into every layer of reporting and oversight; visibility strengthens safety, transparency and accountability. It also requires that the Queensland Government work in close partnership with Aboriginal and Torres Strait Islander communities and ACCOs to share, interpret and manage data about Aboriginal and Torres Strait Islander children in ways that are culturally safe and governed by community.

Self-determination – which is highlighted in the *Our Way* strategy as “the foundational element needed to achieve our shared hopes and aspirations”⁵⁸ – is inseparable from the right to data sovereignty. Community-led data recording, management and analysis systems are critical to the exercise of informed decision-making under the right to self-determination.

The success of reforms such as delegated authority are dependent on ACCOs having access to useful, timely, relevant, and culturally responsive data to ensure that decisions about children are fully informed and in line with Aboriginal and Torres Strait Islander models of best practice.

⁵⁶ UN Declaration on the Rights of Indigenous Peoples, Articles 18, 19, 31

⁵⁷ QATSICPP, *Data Summary 2022*

⁵⁸ DCCSDS (Department of Communities, Child Safety and Disability Services) (2017) *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037*, p12.

Conclusion

SNAICC supports meaningful reform of Queensland's child protection system to ensure Aboriginal and Torres Strait Islander children grow up in safe environments connected with their family, culture and community. Real reform is only possible when it is grounded in culturally safe and strong collaboration with Aboriginal and Torres Strait Islander children and families.

Our submission demonstrates the need to strengthen self-determination, invest in ACCO-controlled mechanisms, and ensure that culturally safe and preventative models of care are prioritised. This becomes possible when Aboriginal and Torres Strait community-led initiatives are implemented in full. The recommendations contained in this submission are core to creating a system that upholds the rights of Aboriginal and Torres Strait Islander children.

SNAICC welcomes further opportunities to contribute to the work of the Commission and building a system that supports Aboriginal and Torres Strait Islander children and families, rather than one that perpetuates harm.



SNAICC
National Voice for our Children

© SNAICC – National Voice for our Children, 2026