

Queensland
Family & Child
Commission



Telephone: 07 3900 6000
Reference: FNCRA – D22/18472

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Thank you for the opportunity to make a submission to contribute to the Senate Inquiry into missing and murdered First Nations women and children.

The Queensland Family and Child Commission (QFCC) is committed to promoting systemic accountability for the rights, safety and wellbeing of Aboriginal and Torres Strait Islander children and recognises the rich and resilient cultures that continue to sustain and strengthen children and their families.

The QFCC acknowledges the tragic deaths of Aboriginal and Torres Strait Islander women, children and young people that have died in Queensland to violence. We recognise the grief and loss of their family, friends, and the broader community, and the generational impact this has on their children.

The QFCC's Child Death Register holds information about all child deaths in Queensland through which we evidence that Aboriginal and Torres Strait Islander children are over-represented in child deaths in Queensland. Across the last 15 years the First Nations mortality rate was 2.3 times the rate for non-Indigenous children for all causes.¹ The Aboriginal and Torres Strait Islander infant mortality rate was 6.5 deaths per 1,000 First Nations births, compared to 3.5 deaths per 1,000 non-Indigenous births (3-year average). All children have an inherent right to life, survival and development and to the protection of families, as outlined in the United Nations Convention on the Rights of the Child (UNCRC) and as duty bearers' states have an obligation to protect the lives of children, regardless of their social, economic, or ethnic origins.

Despite the persistent advocacy of Aboriginal and Torres Strait Islander communities, and numerous inquiries and Royal Commissions, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised due to family violence, and 11 times more likely to die due to assault than non-Indigenous women.² The recently released Women's Safety and Justice Taskforce report *Hear her voice* highlighted the invisibility of many victims of domestic and family violence. Many victims do not report incidences of violence or assault and in some cases, police turned victims away when they sought help.³

¹ Queensland Family and Child Commission (2020), *Counting Lives, Changing Patterns - Findings from the Queensland Child Death Register 2004-2019*. https://www.qfcc.qld.gov.au/sites/default/files/2022-06/QFCC%2016%20Year%20Review_0.pdf. Retrieved 27 October 2022.

² Australian Human Rights Commission (2020), *Wiyi Yani U Thangani Report*. The Australian Human Rights Commission.

³ Women's Safety and Justice Taskforce (2021), *Hear her voice: Hear her voice - Report one - Addressing coercive control and domestic and family violence in Queensland*. <https://www.womenstaskforce.qld.gov.au/publications#link-from-home>. Retrieved 5 December 2022.



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Those most impacted by these experiences must be involved in the decisions and responses. Raising the visibility and giving a voice to the First Nations women and children and their families is a critical first step towards systemic change. Nationally, establishing consistent functions and powers for Commissioners for Aboriginal and Torres Strait Islander children and young people, could enable raising the visibility of systemic causes of violence, increase action on the safety of First Nations children, oversight the responses being implemented and provide accountability to the First Nations women and children missing and murdered and their families. Input from children and young people will improve strategies to increase a child's sense of 'belonging', connection with their community and links with vital support networks.

The media also has an important part to play to ensure First Nations people have the same visibility as non-Indigenous people. The development of media protocols is critical to ensure the timeliness of actions regarding releasing information about missing and/or murdered Aboriginal and Torres Strait Islander children publicly.

As an agency, the QFCC is committed to embedding culturally safe and responsive design practices and delivery in our work and advocating the positioning of child rights in the ways other agencies deliver their work. The QFCC's 2021 *Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children*⁴ paper presented data and evidence about the experience of Aboriginal and Torres Strait Islander children in out-of-home care. Self-determination is essential to the design and planning of effective actions to remove systemic causes of violence and to increase the safety of First Nations women and children. Self-determination, healing, dignity, and respect are all fundamental elements needed to improve outcomes and should form the basis of future action.

In addition, children living in out-of-home care are among the most vulnerable children in Queensland. Their vulnerability may significantly increase if they are missing as they have already experienced multiple risk factors, including child abuse and neglect. The QFCC's *When a child is missing, Remembering Tiahleigh – A report into Queensland's children missing from out-of-home care*⁵ discovered that there were several system inadequacies when a child goes missing from out-of-home care particularly practice consistency and data collection and sharing. Clearly more data and evidence is needed to measure the generational impacts on children and families when their mothers go missing or are murdered.

Yours sincerely

Luke Twyford

Principal Commissioner

12 December 2022

⁴ Queensland Family and Child Commission (2021), *Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children*. https://www.qfcc.qld.gov.au/sites/default/files/2022-06/Principle%20Focus%20Report_WCAG_WEB.pdf Retrieved 18 November 2022.

⁵ Queensland Family and Child Commission (2016), *When a child is missing: Remembering Tiahleigh – A report into Queensland's children missing from out-of-home care*. <https://cabinet.qld.gov.au/documents/2016/Jul/QFCCRep/Attachments/Report>. Retrieved 18 November 2022.

