

# Five key takeaways from first week of child safety inquiry hearings in Brisbane



By Kate McKenna

Children

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A week of public hearings have been held in Brisbane as part of an inquiry into the state's child safety system.  
(ABC News: Pete Mullins)

The "drastic" act of removing newborn babies from their mothers and placing them into the care of the state has been one issue under the spotlight as an inquiry into Queensland's child safety system continues.

Public hearings into the state's "broken" system resumed in Brisbane this week with a focus on how the child safety department reaches the decision to remove a child from their family.

Here are five takeaways from this week's hearings.

## Government lawyers tried to have evidence heard in private

Staff from the child safety department were the first witnesses to give evidence in the latest block of hearings.

The commission said it would be a chance for the government to "answer any criticisms" or "explain and contextualise decision-making" about issues raised in previous hearings — such as the removal of newborn babies.

On Monday morning, barrister April Freeman KC, who was representing the state, tried to have all the evidence of the first witness heard in a closed hearing.

She argued the evidence would involve sensitive information about families and the steps taken to de-identify them were insufficient.



Commissioner Paul Anastassiou KC is presiding over the inquiry. (AAP: Darren England)

But the commissioner — former federal court judge Paul Anastassiou KC — rejected her bid.

"At the core, the department's functions are the making of decisions concerning the removal of children into state care," he said.

"If those decisions are flawed or lack veracity, the entire child protection system is called into question."

Mr Anastassiou said the provisions of the Child Protection Act were aimed at protecting children and not the department.

"The department is commonly obscured behind a curtain of secrecy not intended for its benefit," he said.

"This inquiry is a rare opportunity for public scrutiny of the department's decision-making processes and actions."

### **Inquiry zeros in on a 'drastic act' of the state**

A significant focus of the inquiry this week has been newborn removals.

"It is hard to imagine a more drastic act of the state than to remove newborn children from their mother's breast ... while the mother and the child are being cared for in hospital," senior counsel assisting Robyn Sweet KC told the hearing in her opening statement on Monday.

"Simply put, the state must get this decision right."



Senior counsel assisting Robyn Sweet KC described removing babies as a "drastic act". (AAP: Darren England)

She said the commission had interrogated documents related to the department's application for the removal of 66 newborns in one region between 2021 and 2025.

The department divides its operations in Queensland into six regions.

Of the 66 newborns, 57 of them were Aboriginal and Torres Strait Islander — making up 86 per cent of that cohort — Ms Sweet said.

Ms Sweet questioned whether Aboriginal and Torres Strait Islander community-controlled organisations were consulted when a decision was made to remove a child from their family and if safety assessment tools were valid for all cohorts.

She said in the context of an "ever-increasing" number of children entering the system, a deep dive into how decisions are made to remove a child from their family was "timely" and "critical".



Queensland Premier David Crisafulli announced the inquiry in May this year. (ABC News: Tobias Loftus)

## 'Worst part' of job

Over several days, the inquiry examined in great depth the case of one family, where children were removed from their mother's care due to harm, followed by their newborn sibling soon after birth.

The hearing was told the older children had been presenting with physical injuries and expressed "fear of retribution" if they were to make any further reports of harm.

Mr Anastassiou asked child safety service centre manager Sarah Jones if the woman had any history of harming her newborn children.

"I don't believe that's relevant," she said.

Mr Anastassiou asked if the reasoning behind the decision to remove the newborn was because their older siblings had already been assessed as being at an unreasonable risk of harm and removed.

"That is correct," Ms Jones replied.

Mr Anastassiou asked whether there were concerns a newborn may be harmed even while still in the maternity ward, to which Ms Jones said there was a risk.





Newborn babies can be removed from their mothers in some circumstances. *(ABC News: Gregor Salmon)*

He went on to ask Ms Jones if she was aware of "data" relating to incidents of any mother harming a newborn child.

While giving evidence the following day, Ms Jones said babies were "very vulnerable" and "solely reliant" on their care provider for every need.

She told the inquiry that to remove a child from a family was "the most intrusive decision that you can make and none of us take it lightly," calling it the "worst part of the job".

Mr Anastassiou asked if there was any explicit reference in the child safety practice guide to draw attention to the harm caused by removal.

Ms Jones said she had not read it in there, but later said the "goal" was to keep children with mothers and family.

"The risk we assessed in this case [was that] it was more detrimental and harmful for that child to remain with mum," she said.

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**If you or anyone you know needs help:**

- [Suicide Call Back Service](#) on 1300 659 467
  - [Lifeline](#) on 13 11 14
  - Aboriginal & Torres Strait Islander crisis support line [13YARN](#) on 13 92 76
  - [Kids Helpline](#) on 1800 551 800
  - [Beyond Blue](#) on 1300 224 636
  - [Headspace](#) on 1800 650 890
  - [ReachOut](#) at [au.reachout.com](http://au.reachout.com)
  - [MensLine Australia](#) on 1300 789 978
  - [QLife](#) 1800 184 527
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## Manager admits to 'sweeping' statement on residential care

On Wednesday afternoon, the head of the inquiry questioned the child safety manager's claim that children in residential care homes are "not at risk".

Originally intended to be a "last resort," residential care is where young people live with other young people in homes staffed by youth workers.

Barrister Joshua Creamer, acting for the Queensland Indigenous Family Violence Legal Service, asked Ms Jones about previous evidence from the inquiry that "resicares are not safe" and "40 per cent of children in them are exposed to criminality and sexual exploitation".

Ms Jones said she did not know the data but that she did not accept that residential care was unsafe.

"Is your evidence then, that children aren't at risk when they're placed in residential care?" Mr Creamer asked her.

"They're not at risk, no," she responded.

She said she has had young people who have engaged in criminality and their placement at the time was residential care, but "it's not the environment, it's the circumstances".

She later said if residential care was the only option available for a child

she had faith regional areas could provide "a safe and responsive environment for our children and young people".

Mr Anastassiou told Ms Jones her observations about the "satisfactory nature" of residential care were contrary to accounts he had heard from various witnesses with experience of the system.

"Do you not accept that that is [a] rather sweeping statement?" he asked.

"Yes, it is," Ms Jones said.

### **'High' numbers of jobs yet to be filled**

Thursday's hearing canvassed the challenges of filling vacant frontline child safety officer jobs.

Corinne Porta, a child safety regional director, said Far North Queensland has had "quite a long history" with vacancies and 14 roles were currently unfilled.

"From memory our highest vacancy was 2022-23 when we hit an all-time high of nearly 40 CSO vacancies so frontline officers ... out of approximately 115 [roles] for FNQ," she said.

Ms Porta said there were also vacancies with funded foster care placements in the state's far north.

She said there was funding for 650 foster care placements across the region, but they were about 100 carers short — with the gap causing children to instead be placed in residential care.

Mr Anastassiou asked if that meant there were 100 children presently in residential care who could be in foster care if 100 foster carers were available.

"That's correct," she said.

The commission of inquiry is running for 17 months.