

Summary Impact Analysis Statement

Details

Lead department	Department of Families, Seniors, Disability Services and Child Safety
Name of the proposal	Child Safe Organisations Regulation 2025
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Child Safe Organisations Act 2024</i>
Date of issue	September 2025

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>Following a five-year inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse recommended state and territory governments:</p> <ul style="list-style-type: none">a) require relevant organisations comply with 10 child safe standards (CSS) as a best-practice approach to keeping children safe (recommendation 6.8, Final Report volume 6); andb) establish nationally consistent reportable conduct schemes (RCS) to provide independent oversight across sectors of organisational responses to allegations of child sexual abuse (recommendation 7.9, Final Report Volume 7). <p>The <i>Child Safe Organisations Act 2024</i> (the Act) was passed by the Legislative Assembly on 11 September 2024, responding to these recommendations by establishing a child safe organisations (CSO) framework for Queensland comprising:</p> <ul style="list-style-type: none">• mandatory implementation and compliance with 10 CSS and a Universal Principle for cultural safety for Aboriginal and Torres Strait Islander children by child safe entities;• a nationally consistent RCS that requires heads of reporting entities to report and investigate misconduct and abuse involving children by workers; and• the Queensland Family and Child Commission (Commission) as the independent oversight body responsible for overseeing the CSO system. <p>Collaborative regulation</p> <p>Organisations working with children are already subject to a range of existing regulatory obligations. During development of the CSO system for Queensland, stakeholders strongly supported the CSS and RCS as important strategies to keep children safe, but urged that efforts be made to streamline regulation and avoid duplication.</p> <p>Collaborative regulation means the Commission will work with existing regulators on implementation of, and compliance with, the CSS and Universal Principle. Where possible, sector regulators may consider incorporating CSS within their existing regulatory frameworks so when an organisation complies with its existing regulatory responsibilities, it is also complying with the CSS.</p> <p>The Act does not change the existing regulatory functions of sector regulators or require them to expand the scope of their current regulatory responsibilities.</p> <p>Under the Act, the Commission will provide centralised oversight of entities' compliance with the CSS and Universal Principle in collaboration with sector regulators. To reflect this collaborative regulatory approach, the Act provides functions of the Commission to include:</p>

- collaborating with sector regulators in relation to performing certain functions (section 13(1)(d)); and
- facilitating the exchange of information between sector regulators in relation to implementation of, and compliance with, the CSS and Universal Principle (section 13(2)(c)).

The Act also provides principles for implementing and complying with the CSS and Universal Principle including that the Commission and sector regulators are to collaborate with each other, child safe entities and the community for the purpose of promoting implementation of, and compliance with the CSS and Universal Principle by child safe entities (section 14(1)(c)).

A broad information sharing framework to support the collaborative regulation model is established by the Act to: assist with the implementation of, and compliance with, the CSS and Universal Principle; support the Commission in responding to non-compliance; and enable the Commission to target capacity building activity where most needed.

Under this information sharing framework, prescribed child safe entities are authorised to share confidential information for the purposes of the child safe standards. These entities include, for example, the Commission, a sector regulator for a child safe entity, and a public sector entity under the *Public Sector Act 2022*. This network of prescribed child safe entities is designed to enable information to be shared across multiple sectors and organisations to identify risks to the safety and wellbeing of children in Queensland organisations.

The disclosure of information under the Act is limited to specific purposes. These purposes include to respond to a concern about non-compliance with the CSS and to assist the Commission in performing a function or exercising a function under Chapter 2. This information must only be shared to the extent necessary to achieve these functions and any unauthorised use or disclosure of information may lead to penalty under the Act.

Identifying the problem – enabling collaborative regulation and information sharing

The primary objectives of the Act are to protect children from harm and to promote the safety, wellbeing and best interests of children.

The child safe organisations system in Queensland is estimated to capture over 40,000 organisations within scope of the CSS and Universal Principle, across sectors including education, early childhood education and care, child protection, health, services for children with disability and religious bodies.

Given the breadth of application of the CSS and Universal Principle, and various regulatory frameworks that apply across organisations and sectors, there are gaps in regulation that may present risks to the safety and wellbeing of children where cumulative risk factors may not be identified. The Act seeks to respond to this risk by facilitating information sharing between relevant entities to identify risks to the safety and wellbeing of children. The CSO system also responds to the current lack of uniform quality standards for child safe practices and provides central, independent oversight that can look across sectors to identify and respond to patterns of concerning behaviour or organisational cultures that do not reflect a best practice approach to child safety.

A sector regulator under section 6 of the Act is defined as: a department or other entity (excluding the Commission) that is responsible for regulating a child safe entity and is prescribed by regulation (section 6(a)); a department that provides funding to a child safe entity listed under Schedule 1 of the Act (section 6(b)); and any other entity prescribed by regulation (section 6(c)).

To best achieve the purposes of the Act it is necessary to prescribe existing regulators as sector regulators in accordance with section 6(a) of the Act, to capture them within the definition of a sector regulator under the Act and enable timely information sharing between the Commission, other relevant entities and sector regulators about compliance with the CSS and Universal Principle, in accordance with the information sharing framework under the Act.

Objectives of Government Action:

The objective of government action is to prescribe sector regulators for child safe entities to:

- support the collaborative regulatory model established by the Act;

- enable appropriate information sharing under the Act; and
- support the Commission in performing its functions under the Act.

These outcomes are expected to support the safety and wellbeing of children in organisational settings by better identifying risks across organisations and sectors through the sharing of relevant information under the Act.

What options were considered?

Option 1: Maintain the status quo

The Queensland Government would maintain the status quo, a regulation would not prescribe sector regulators, and these regulators would not be enabled to share information regarding CSS and the Universal Principle under the Act.

Option 2: Prescribe sector regulators by Regulation (preferred option)

Prescribe a department or other entity that is responsible for regulating a child safe entity in accordance with section 6(a) of the Act to provide clarity about which regulators may collaborate and share information with the Commission to support capacity building and promote implementation of, and compliance with, the CSS and Universal Principle.

Within Option 2, there are options to prescribe a wider or narrower range of regulators as sector regulators. Limiting the scope of prescribed regulators was not formally considered as not prescribing the full breadth of existing state-based regulators across in-scope sectors would not meet the intent of information sharing under the Act to address gaps in current processes to identify risks, and therefore the broader purposes of the Act to protect children from harm and promote their safety, wellbeing and best interests.

What are the impacts?

Departments that fund child safe entities are captured within the definition of a sector regulator under the Act (section 6(b)). All other sector regulators need to be prescribed by regulation, which is intended to provide the ability to more easily add, update or remove regulators to reflect changes in relevant regulatory environments.

Twelve sector regulators have been identified for child safe entities. These sector regulators have existing regulatory relationships with child safe entities. Prescribing sector regulators by regulation does not broaden their responsibilities or the range of entities they oversee. Instead, it reinforces their role in supporting child safety and wellbeing through existing regulatory functions and through collaborative CSO regulation with the Commission.

Under the information sharing framework in section 48 of the Act, only 'prescribed child safe entities' can disclose confidential information. For the purpose of section 48, 'prescribed child safe entities' include prescribed sector regulators. Prescribing existing regulators as sector regulators will authorise the disclosure of information to other prescribed child safe entities including: the Commission, a child safe entity, a public sector entity under the *Public Sector Act 2022*, the inspector of detention services under the *Inspector of Detention Services Act 2022*, the Officer of the Ombudsman established under the *Ombudsman Act 2001* and other entities prescribed by regulation.

Prescribed child safe entities may share confidential information relating to CSS with any other prescribed child safe entity to: respond to a concern about a failure of a child safe entity to comply with the CSS or Universal Principle; assist the Commission in performing its functions or exercising its powers under Chapter 2 (Child safe standards); or assist the Commission in performing its functions or exercising its powers under Chapter 3 (Reportable conduct scheme) by providing information relating to compliance with the CSS by a reporting entity.

Under the Act, the Commission may enter into a written arrangement about sharing or exchanging information with a prescribed child safe entity. This arrangement may include, for example, a memorandum of understanding that specifies what and how information may be shared, when it is appropriate to share information, or any other requirements for management of the information. The use of the information sharing powers conferred on prescribed child safe entities, including sector regulators, is discretionary. The

Act does not require sector regulators to share information for the purposes of the intended collaborative regulatory CSO model, and sector regulators can determine when and how it is appropriate to exercise these powers, guided by the circumstances of each organisation and the relevance of the information to CSS and Universal Principle compliance.

While the Commission may disclose information to similar oversight bodies in other jurisdictions (for matters relevant to performing their CSO functions), only state-based regulators are prescribed in the Regulation and prescribed sector regulators are not more broadly enabled to share confidential information across jurisdictions for the CSS and Universal Principle.

The information sharing framework under the Act does not limit or otherwise impact existing reporting mechanisms in Queensland. Where risk of harm to a child is identified, individuals in certain professions remain subject to mandatory reporting requirements under the *Child Protection Act 1999*. Additionally, the *Criminal Code Act 1899* (Qld) includes offences for failing to report child sexual abuse or failing to protect a child from institutional child sexual abuse. All adults are required to report to the Queensland Police Service if they believe a child sexual offence has occurred.

As the CSO system leverages existing regulatory functions and the enabled information sharing is discretionary, the impact of the Regulation on sector regulators is not expected to be significant. While information may be shared with any prescribed child safe entity under the Act, in practice it is expected that sector regulators would generally need to share information with the Commission and relevant child safe entities in their sector. Noting existing reporting obligations, where a sector regulator identifies potential CSS or Universal Principle compliance issues for a child safe entity, the impact on sector regulators to report to another entity is expected to be minimal.

It is anticipated the Commission will be the entity most commonly receiving information from sector regulators and other prescribed child safe entities. For the Commission and child safe entities receiving information from sector regulators, any action required to be taken to address the concerns reported would be consistent with existing responsibilities under the Act or other regulatory frameworks. The associated compliance costs relating to compliance with the CSS and Universal Principle have been assessed through the *Growing Child Safe Organisations in Queensland: Consultation Regulatory Impact Statement*, and the Commission has been funded to support its functions under the Act.

Who was consulted?

The *Growing Child Safe Organisations in Queensland: Consultation Regulatory Impact Statement* was released on 10 August 2023, with public consultation closing on 22 September 2023. The outcomes of this consultation process were published in the *Growing Child Safe Organisations in Queensland: Decision Impact Analysis Statement*.

While the Consultation Regulatory Impact Statement did not seek stakeholder feedback on the approach to prescribing sector regulators specifically, the outcomes of this consultation included the following outcomes of relevance to the intent of this Regulation:

- Stakeholders broadly supported the collaborative regulatory model that established the Commission as the independent oversight body working in collaboration with sector regulators and child safe entities. This approach was seen as effective for education and capacity building.
- Stakeholders viewed information sharing as critical to preventing harm to children, enabling more timely identification of risks.
- Sector regulators were recognised for their expertise and role in supporting organisations, but stakeholders emphasised that regulators should not be burdened with new mandatory information sharing or reporting obligations under the Act.
- The discretionary nature of information sharing was welcomed, reducing concerns about compliance costs.

Consultation was undertaken to identify relevant sector regulators for child safe entities as part of development of the Act.

Further consultation to identify sector regulators and consultation on a draft regulation was undertaken with the Commission and impacted Queensland Government agencies from April to August 2025.

What is the recommended option and why?

The recommended option is *Option 2: Prescribe sector regulators by Regulation*. The prescription of sector regulators for child safe entities will:

- support the collaborative regulatory model established by the Act;
- enable information sharing provisions to operate as intended under the Act; and
- support the Commission's legislative functions under section 13 of the Act.

As the Act establishes a new regulatory scheme, a statutory review of its effectiveness will be required as soon as practicable after 1 July 2030. This review would present an opportunity to consider the effectiveness of the information sharing framework under the Act, alongside other considerations to ensure the Act is effectively meeting its intended purpose and objectives.

The Commission will also be required to include in its annual report information about the performance of its CSS and RCS functions under the Act and trends in compliance by child safe entities, and may also prepare reports on matters relevant to its functions under the Act. These reporting mechanisms allow the Commission to report on the operation of the CSO system, and could include observations on how the information sharing framework established under the Act is operating in practice.

Impact assessment

	First full year	First 10 years**
Direct costs – Compliance costs*	\$0	\$0
Direct costs – Government costs	\$0	\$0

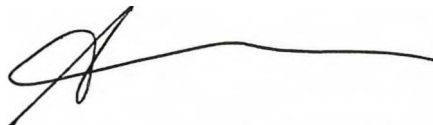
* The *direct costs calculator tool* (available at qpc.qld.gov.au/best-practice-regulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.

Signed



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Department of Families, Seniors, Disability
Services and Child Safety

Date: 11/09/2025



The Honourable Amanda Camm MP Minister
for Families, Seniors and Disability Services
and Minister for Child Safety and the
Prevention of Domestic and Family Violence

Date: 15/09/2025