

# Child Safe Organisations Regulation 2025

Explanatory notes for SL 2025 No. 126

made under the  
*Child Safe Organisations Act 2024*

## General Outline

### Short title

*Child Safe Organisations Regulation 2025*

### Authorising law

Section 6 and section 110 of the *Child Safe Organisations Act 2024*.

### Policy objectives and the reasons for them

The policy objective of the *Child Safe Organisations Regulation 2025* (the Regulation) is to support implementation of the *Child Safe Organisations Act 2024* (the Act) by prescribing sector regulators for child safe entities.

The Act establishes a collaborative regulatory model for child safe organisations in recognition that safeguarding children and building child safe organisations is a shared responsibility. To support the model, the Act enables collaboration between the Queensland Family and Child Commission (the Commission), sector regulators and child safe entities.

Section 6 of the Act defines a ‘sector regulator’ as:

- a) a department or other entity, other than the Commission, that is:
  - i) responsible for regulating the child safe entity or reporting entity; and
  - ii) prescribed by regulation as a sector regulator for the child safe entity or reporting entity;  
or
- b) for a child safe entity or reporting entity mentioned in schedule 1 or 2 – a department that provides funding to the child safe entity or reporting entity; or
- c) another entity prescribed by regulation as a sector regulator for the child safe entity or reporting entity.

In line with section 6(a) of the Act, the Regulation prescribes sector regulators for child safe entities.

The intent of prescribing sector regulators is to establish complementary roles for the Commission and sector regulators to promote the effective implementation of, and compliance with, the child safe standards (CSS) and Universal Principle. This approach aims to:

- boost the oversight and monitoring capacity of the Commission;
- streamline and clarify regulatory obligations;
- enable development of targeted education and guidance to sectors;
- support education and capacity building in response to non-compliance;
- support a responsive and proportionate approach to non-compliance when education and capacity building is not sufficient to achieve compliance; and
- facilitate effective information sharing to identify and address compliance issues and risks to children.

It is expected that collaboration between the Commission and sector regulators will differ depending on the characteristics of the sector and roles and responsibilities of the sector regulator.

### The role of sector regulators

The regulatory landscape in Queensland is complex with overlapping roles and responsibilities. More than one regulator may have a regulatory role with an individual organisation and individual regulators may have a role across multiple sectors.

The Act does not expand the scope of sector regulators' existing roles and responsibilities. Their functions in relation to CSS and the Universal Principle are limited to the entities they currently regulate and the regulatory functions they perform.

The intent is for sector regulators to incorporate the CSS and Universal Principle into their existing functions where possible, leveraging existing regulatory frameworks without imposing new or additional responsibilities. For some sector regulators, their role may be limited to information sharing in relation to non-compliance.

The role of sector regulators can be outlined as follows:

	<b>Role of the Commission</b>	<b>Role of sector regulators</b>
<b><i>Oversight</i></b>	Administering and overseeing the child safe organisations system.	Supporting the Commission to promote implementation of, and compliance with, the CSS and Universal Principle.
<b><i>Capacity building and education</i></b>	Providing leadership in education and capacity building efforts and developing resources, guidance, and training.	Collaborating with the Commission on the development of sector specific resources.
<b><i>Streamlining regulatory obligations</i></b>	Assisting sectors to integrate the CSS and Universal Principle into existing regulatory frameworks to reduce duplication and regulatory burden, where possible.	Aligning CSS and Universal Principle requirements with existing regulatory functions (i.e. licensing, funding arrangements and quality frameworks), where possible.
<b><i>Information sharing</i></b>	Sharing and receiving information to identify compliance issues, sector risks and capacity needs.	Notifying the Commission of compliance issues and collaborating with the Commission to respond to non-compliance.

<b>Monitoring and enforcement</b>	Leading a responsive and proportionate regulatory approach to non-compliance.	Identifying non-compliance and collaborating with the child safe entity and Commission to respond to non-compliance.
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Not all child safe entities have a prescribed sector regulator. In these cases, the Commission will work directly with the child safe entity.

## Achievement of policy objectives

The Regulation achieves the policy objective of prescribing a list of sector regulators for child safe entities to support implementation of the Act by:

- clarifying which regulatory bodies may collaborate with the Commission for the purpose of promoting implementation of, and compliance with, the CSS and Universal Principle;
- facilitating information sharing between the Commission, other relevant entities and sector regulators to enable timely and effective exchange of information about compliance with the CSS and Universal Principle, assisting in the early identification of risks to children, compliance issues and sectors requiring additional support; and
- leveraging sector specific knowledge and established relationships to assist organisations and the Commission to effectively implement the CSS and Universal Principle.

## Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the Act.

## Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation. It provides for implementation of a child safe organisations system to protect children's best interests, consistent with the *Child Protection Act 1999* and other State laws relating to the safety and wellbeing of children.

## Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making subordinate legislation. Without prescribing sector regulators, the information sharing framework will not be effectively established which may result in missed opportunities to identify and address risks to children.

Prescribing sector regulators will enable the Commission to collaborate with existing regulators, leveraging their sector expertise to provide tailored guidance and support, and to facilitate the exchange of information between sector regulators in relation to implementation of, and compliance with, the CSS and Universal Principle.

## Benefits and costs of implementation

The Queensland Government committed \$43.525 million over four years and ongoing funding to Queensland's child safe organisations system. The Regulation does not impose additional costs on government, sector regulators, child safe entities or the community as it does not expand the existing regulatory responsibilities of sector regulators.

## Consistency with fundamental legislative principles

The fundamental legislative principles (FLPs) under the *Legislative Standards Act 1992* (LS Act) require legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The Regulation is generally consistent with FLPs. Potential departures are addressed below.

### **Legislation has sufficient regard to the rights and liberties of individuals – LS Act, section 4(2)(a)**

#### Information sharing framework

Section 4(2)(a) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals. The Act enables the disclosure of confidential information by prescribed child safe entities (including sector regulators) to coordinate ongoing information exchange relating to compliance with the CSS and Universal Principle. The Regulation facilitates information sharing between the Commission and prescribed sector regulators to support administration of the Act.

This is a potential departure where it impacts a person's privacy in enabling sharing of confidential information. This potential departure is justified as information sharing is essential to administration of the Act and to ensure the safety and wellbeing of children.

Section 8 of the Act provides safeguards for balancing the right to privacy where information may only be disclosed for specific purposes. Chapter 5 of the Act also provides for protection of confidential information.

### **Consultation**

Consultation about the sector regulators to be prescribed occurred with Queensland Government agencies between April and August 2025. Responses supported establishing the Regulation.

The Regulation also responds to feedback from sector regulators about uncertainty regarding their regulatory responsibilities under the Act, by clarifying that entities are sector regulators only to the extent they are responsible for regulating a child safe entity (section 3).

A Summary Impact Analysis Statement developed for the Regulation concludes that prescribing sector regulators by Regulation is the preferred option as it 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 CSS functions under the Act.

These outcomes will support the broader purposes of the Act to protect children from harm and promote their safety, wellbeing and best interests.