

Education (Accreditation of Non-State Schools) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 158

made under the *Education (Accreditation of Non-State Schools) Act 2017*

General Outline

Short title

Education (Accreditation of Non-State Schools) Amendment Regulation 2025.

Authorising law

Sections 11 and 179 of the *Education (Accreditation of Non-State Schools) Act 2017* (EANSS Act).

Policy objectives and the reasons for them

The objective of the *Education (Accreditation of Non-State Schools) Amendment Regulation 2025* (Amendment Regulation) is to provide a clear legislative connection with the obligations for non-state schools as child safe entities with the Child Safe Standards (CSS) under the *Child Safe Organisations Act 2024* (CSO Act).

The EANSS Act and the *Education (Accreditation of Non-State Schools) Regulation 2017* (EANSS Regulation) provide for the establishment of the Non-State Schools Accreditation Board (NSSAB), as well as an accreditation framework for non-state schools and eligibility for government funding for non-state schools.

The EANSS Act sets out the accreditation framework by providing for accreditation criteria to be prescribed under the EANSS Regulation. Accreditation criteria cover the schools' administrative and governance arrangements; financial viability; educational program; student welfare processes; resources and improvement processes.

The EANSS Regulation references non-education legislation that a school must comply with under the accreditation framework. Examples include a school being compliant with the requirements of the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and the *Work Health and Safety Act 2011* (WHS Act) in relation to student welfare processes.

On 19 September 2024, the CSO Act achieved Royal Assent and commenced, in part, on 1 October 2025. The CSO Act prescribes child safe entities, which include education entities such as non-state schools and sets out 10 Child Safe Standards (CSS).

The 10 CSS are:

- Leadership and culture – child safety and wellbeing is embedded in the entity’s organisational leadership, governance and culture;
- Voice of children – children are informed about their rights, participate in decisions affecting them and are taken seriously;
- Family and community – families and communities are informed and involved in promoting child safety and wellbeing;
- Equity and diversity – equity is upheld, and diverse needs respected in policy and practice;
- People – people working with children are suitable and supported to reflect child safety and wellbeing values in practice;
- Complaints management – processes to respond to complaints and concerns are child focused;
- Knowledge and skills – staff and volunteers of the entity are equipped with the knowledge, skills and awareness to keep children safe through ongoing education and training;
- Physical and online environments – physical and online environments promote safety and wellbeing and minimise the opportunity for children to be harmed;
- Continuous improvement – implementation of the CSS is regularly reviewed and improved; and
- Policies and procedures – policies and procedure document how the entity is safe for children.

As child safe entities, non-state schools will have to understand, apply and comply with CSS from 1 January 2026.

Currently, there is no explicit connection to the requirements of the CSO Act with regard to student welfare processes under the EANSS Regulation. Consequently, NSSAB may not be able to act against a school’s accreditation, even if the school was found to be not complying with its obligations under the CSO Act.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the EANSS Regulation to make it a requirement for non-state schools to comply with the CSO Act as part of the criteria for accreditation.

Section 15 of the EANSS Regulation, which provides for the student welfare criteria for non-state schools, is amended so that a non-state school must comply with the CSO Act in complying with its student welfare accreditation criteria in the same way it must comply with other legislation such as the WWC Act and WHS Act. This creates a clear connection between legislated requirements under the CSO Act and non-state schools’ accreditation requirements.

NSSAB will monitor compliance as it does with all accreditation criteria. Noting schools will already be required to comply with the CSS under the CSO Act, the Amendment Regulation does not increase regulatory obligations. Nevertheless, the explicit link to the accreditation framework does increase the potential implications of non-compliance.

Section 15 of the EANSS Regulation already provides clear authority for NSSAB to consider compliance with external legislation; the amendment establishes the same authority for the CSO Act. This provides the non-state school sector with a transparent regulatory approach and supports NSSAB in its sector regulator role.

Both Independent Schools Queensland (ISQ) and the Queensland Catholic Education Commission (QCEC), as Queensland's non-state school peak bodies, are developing materials for their parts of the sector to support sector readiness and compliance.

The Queensland Family and Child Commission's (QFCC) *Regulatory Approach for Child Safe Organisations*, published in July 2025, sets out that implementation of the CSO Act will be staged and risk-based, with a strong emphasis on capacity building and working collaboratively with sector regulators. Expectations will increase progressively as capability across the sector grows. QFCC and NSSAB are working collaboratively to develop resources and deliver training for the non-state school sector.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the EANNS Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will provide NSSAB and the non-state school sector with clear legislative guidance about the CSO Act. The provision of clear regulatory guidance assists stakeholders in compliance by removing possible ambiguity and can reduce costs associated with regulatory compliance.

All child safe entities will be expected to be able to demonstrate compliance with the CSO Act. NSSAB, the non-state school sector peak bodies and QFCC are working together to support the non-state sector with readiness for the CSO Act.

There is likely to be a variation in implementation and compliance readiness between child safe entities. Compliance costs will depend on a number of factors that are difficult to quantify at this stage.

In the first instance, the primary cost to Government of implementing the proposed regulatory amendment is likely to include guidance / educative material to support the sector. Noting the Amendment Regulation relates to obligations under the CSO Act, including implementation of the CSS, and the scheme will be in its earliest phase of implementation, there is the potential for costs to emerge as sector capability and compliance is progressively assessed by the collaborative regulators – NSSAB and QFCC.

As implementation of CSO Act obligations by non-state schools mature over time, the sector and scheme regulators will develop a clearer understanding of actions required to support the sector or support or respond to issues in specific schools. There will remain the potential for unbudgeted costs to emerge. At this stage these cannot be quantified and are likely to vary over time. Ongoing, material budgetary impacts that cannot be managed through prioritisation and efficiencies would need to be considered through the usual budget processes.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Stakeholder consultation occurred on the CSS through the release of a consultation paper, consultation regulatory impact statement, decision impact statement, consultation draft of the Child Safe Organisations Bill 2024 (the Bill) and the Parliamentary inquiry into the Bill between 2021 and 2024.

NSSAB, QFCC, ISQ and QCEC were consulted on the proposed amendment to the EANSS Regulation.

NSSAB expressed qualified support for the proposal to align the CSO Act's requirements with non-state school accreditation. NSSAB also considered that clear delineation of regulatory responsibilities, scope and jurisdiction, with consideration to the sufficiency of resourcing, avoidance of duplicating existing requirements, and alignment with jurisdictional and sector-specific approaches should be considered before progressing legislative amendments.

The matters raised by NSSAB do not present barriers to proceeding with the regulation amendment. In relation to these issues, the proposal delivers a non-duplicative, clear alignment between accreditation requirements and already-legislated obligations under the CSO Act. It does not create additional obligations for non-state schools, but instead reinforces child safe settings and creates a mechanism for NSSAB to respond to concerns as they arise, using a proportionate and risk-based approach.

QFCC supported the proposed amendment and considered that incorporating the CSO Act requirements into the EANSS Regulation provides for greater alignment between the accreditation criteria for non-state schools and the CSS. QFCC considered that this will in turn make collaborative regulation more efficient, effective and impactful. QFCC considered that the amendment of the EANSS Regulation will support operationalisation of the collaborative regulatory model for non-state schools.

QFCC confirmed that implementation places emphasis on education and capacity-building first.

In the short term, it is acknowledged that QFCC and NSSAB will be required to work collaboratively, as both have expressed a willingness and commitment to doing, to bed-down arrangements that support child safe settings in non-state schools. QFCC has highlighted that they and NSSAB are aligned in aiming to build a culture of regulatory collaboration, open communication and transparency. QFCC anticipates working with NSSAB to establish information-sharing arrangements, develop joint resources and approaches to support capacity-building and agree on a graduated approach to enforcement.

ISQ supported the inclusion of the CSO Act as an accreditation criterion, noting that this will strengthen regulatory focus on student wellbeing. ISQ also noted the importance of ensuring that regulatory expectations are consistent across school sectors, that a proportionate and graduated approach to enforcement be taken to compliance with the CSS, and that clear guidance will be needed to support the implementation of the CSO Act for non-state schools.

QCEC considered the proposed amendment to create a link between the CSO Act and the Regulation is an efficient means of embedding the CSS. QCEC supported the proposed amendment into accreditation requirements for non-state schools. ISQ and QCEC also advised they are working with the QFCC to support implementation readiness.

A Summary Impact Assessment Statement (IAS) has been prepared for the Amendment Regulation, in accordance with the *Queensland Government Better Regulation Policy*.

The IAS considers two options to support sector readiness. The amendment of the EANSS Regulation was determined to provide the most efficient and effective pathway to support NSSAB and the non-state school sector by minimising legislative duplication and providing clear guidance to the non-state school sector.

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