

# Impact Analysis Statement

## Summary IAS

### Details

<b>Lead department</b>	Department of Education
<b>Name of the proposal</b>	Amendment to the <i>Education (Accreditation of Non-State Schools) Regulation 2017</i> to require non-state schools to comply with the requirements of the <i>Child Safe Organisations Act 2024</i> as a criteria for accreditation.
<b>Submission type</b>	Summary IAS
<b>Title of related legislative or regulatory instrument</b>	<i>Education (Accreditation of Non-State Schools) Regulation 2017</i>
<b>Date of issue</b>	14 November 2025

What is the nature, size and scope of the problem? What are the objectives of government action?
<p>The <i>Education (Accreditation of Non-State Schools) Act 2017</i> (EANSS Act) and the <i>Education (Accreditation of Non-State Schools Regulation) 2017</i> (EANSS Regulation) provide for: the establishment of the Non-State Schools Accreditation Board (NSSAB); an accreditation framework for non-state schools and eligibility for government funding for non-state schools.</p> <p>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.</p> <p>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 <i>Working with Children (Risk Management and Screening) Act 2000</i> (WWC Act) and the <i>Work Health and Safety Act 2011</i> (WHS Act) in relation to student welfare processes.</p> <p>In 2024, the Queensland Parliament passed the <i>Child Safe Organisations Act 2024</i> (the CSO Act). From 1 October 2025, the CSO Act commenced in part.</p> <p>The CSO Act sets out 10 Child Safe Standards (CSS). The CSO Act prescribes child safe entities, which include education entities such as non-state schools. Requirements for child safe entities commence from 1 January 2026.</p> <p>The 10 CSS are:</p> <ul style="list-style-type: none"><li>• Leadership and culture – child safety and wellbeing is embedded in the entity's organisational leadership, governance and culture;</li><li>• Voice of children – children are informed about their rights, participate in decisions affecting them and are taken seriously;</li><li>• Family and community – families and communities are informed and involved in promoting child safety and wellbeing;</li><li>• Equity and diversity – equity is upheld, and diverse needs respected in policy and practice;</li><li>• People – people working with children are suitable and supported to reflect child safety and wellbeing values in practice;</li></ul>

- 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 procedures document how the entity is safe for children.

As child safe entities, non-state schools will have to understand, apply and comply with the 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 compliant with its obligations under the CSO Act.

### **What options were considered?**

Two options were considered:

#### **Option A**

Amend the EANSS Regulation to provide for clear intersection between existing work of non-state schools with regard to student welfare, and upcoming implementation of the CSS in conjunction with non-regulatory mechanisms to promote and consider compliance with the CSO Act.

#### **Option B**

Do not amend the EANSS Regulation, instead relying on non-regulatory mechanisms and an alternative legislative mechanism to promote and consider compliance with the CSO Act.

### **What are the impacts?**

#### **Option A**

Option A provides for an amendment to the EANSS Regulation to set a clear legislative intersection with the requirements for non-state schools to comply with the CSO Act with respect to obligations as a child safe entity.

This approach is consistent with how non-state schools are required to comply with accreditation criteria in relation to student welfare with other legislation such as the WWC Act and the WHS Act.

NSSAB will monitor compliance, in the same way NSSAB already monitors compliance with the WWC Act and the WHS Act.

Non-state schools, who will be required to comply with the CSO Act as child safe entities from 1 January 2026, will have regulatory clarity about the intersection between the CSO Act and their accreditation requirements under the EANSS Act and the EANSS Regulation.

Demonstration of compliance with the CSO Act will also meet compliance with the EANSS Act and the EANSS Regulation; it is not required or expected that non-state schools will have to provide two methods of compliance.

Both NSSAB and QFCC have commenced work to establish consistent approaches, resource sharing and information and guidance materials for the non-state school sector.

#### **Option B**

As with Option A, NSSAB would undertake communication and education approaches with the sector, through collaboration with QFCC.

However, this option does not propose any legislative amendments, instead requiring NSSAB to rely on non-regulatory approaches such as communication and education and the potential application of section 26(2)(h) of the EANSS Act.

Section 26 of the EANSS Act provides for NSSAB to consider suitability of a non-state school's governing body. Consideration of governing body suitability under section 26 pertains primarily to effective governance and accountability in relation to the operation of the school.

The factors listed in sections 29(2)(a) – (g) consider the governing body's relationship with other entities, management of conflicts of interest, conduct of the governing body or its directors, convictions for offences, criminal histories or reports of authorised persons. Section 26(2)(h) provides for NSSAB to consider any other matter the board considers relevant.

For this legislative mechanism to function effectively, NSSAB would have to consider if non-compliance with the CSO Act is a relevant matter as to whether the governing body is suitable to be the school's governing body.

It is not clear that section 26(2) is sufficient to allow NSSAB to act against non-compliance with the CSO Act. Generally, where legislation sets out a list of two or more specific descriptors, as in section 26(2), followed by a more general descriptor, the otherwise wider meaning of the general descriptor should be limited to the same class, if any, of the specific words that precede them. Therefore, it is likely that section 26(2)(h) is intended to be relevant to considerations of a similar type to those set out under sections 26(2)(a) – (g) rather than relied upon as a 'catch all', with flexibility to extend to the school's CSS compliance.

Given that there is ambiguity that NSSAB could act against a non-compliant school's accreditation under section 26(2)(h), there is potential that both NSSAB and students attending the school could be adversely impacted, should such a situation arise.

### **Who was consulted?**

Extensive stakeholder consultation occurred on the CSS through the release of a consultation paper, consultation regulatory impact statement, decision impact statement, consultation draft of the CSO Bill and the parliamentary inquiry into the Bill between 2021 and 2024. This has led to strong sector awareness of the CSS, including by the non-state schools peak bodies and NSSAB.

The Department of Education has consulted with Independent Schools Queensland (ISQ) and the Queensland Catholic Education Commission (QCEC) and NSSAB, confirming there is a high level of knowledge of the scheme's legislated requirements.

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 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. QFCC 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 are working with QFCC to support implementation readiness.

Both ISQ and QCEC have advised they have been working directly for some time with QFCC to support implementation readiness.

#### **What is the recommended option and why?**

The recommended option is Option A.

This option creates a clear connection between legislated requirements under the CSO Act and a non-state school's accreditation requirements. The amendment also supports NSSAB to inform assessment of non-state schools and sector readiness for the requirements of the CSO Act. The impact on non-state schools will be minor, as all schools will be obligated to comply with the CSS under the CSO Act.

Section 14 of the CSO Act provides that the QFCC and sector regulators are to collaborate with each other, child safe entities and the community to promote implementation of, and compliance with, the CSS by child safe entities. This includes notifying the QFCC of issues affecting the implementation of, and compliance with, the CSS by a child safe entity.

Section 15 of the EANSS Regulation clearly gives NSSAB authority to consider compliance with external legislation. Amending this provision to link clearly to the CSO Act would give the sector a transparent regulatory approach and support NSSAB in its sector regulator role. There is a risk that without proactively considering compliance with the CSS through accreditation and review processes NSSAB may be limited to a reactive approach for compliance.

The QFCC has offered to take an active role and partner with NSSAB to design and deliver resources and training. This would build on the collaborative regulation model underpinning the Queensland framework. Both ISQ and the QCEC have advised they are already developing materials for their parts of the sector.

The QFCC has confirmed 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 with expectations increasing progressively over time. The QFCC's *Regulatory Approach for Child Safe Organisations*, published in July 2025, reinforces the staged approach and that child safe entities and sector regulators are expected to work toward compliance over time.

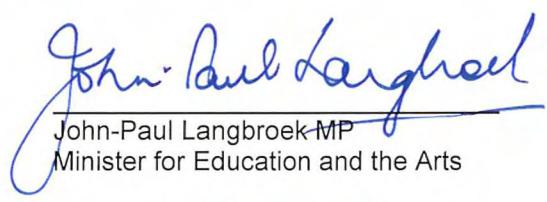
The QFCC has publicly expressed its preference for education and empowerment over penalty and the QFCC will continue to undertake a range of capacity building activities in collaboration with sectors.

The proposed amendment has been assessed as having some, but not significant impacts. The non-state school sector will be required to comply with relevant obligations under the CSO Act from 1 January 2026. The legislative amendment to the EANSS Regulation supports this by providing NSSAB and the non-state school sector with a consistent legislative framework.

## Impact assessment

	First full year	First 10 years**
<b>Direct costs – Compliance costs*</b>	<p>There is likely to be a variation in implementation and compliance readiness between child safe entities.</p> <p>Compliance costs will depend on a number of factors that cannot be quantified.</p>	<p>There is likely to be a variation in implementation and compliance readiness between child safe entities.</p> <p>Compliance costs will depend on a number of factors that cannot be quantified and will vary over time.</p>
<b>Direct costs – Government costs</b>	<p>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.</p> <p>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 unbudgeted costs to emerge as sector capability and compliance is progressively assessed by the collaborative regulators – NSSAB and QFCC. These costs cannot be quantified at this stage.</p>	<p>As implementation of CSO Act obligations by non-state schools mature over time, the sector and scheme collaborative regulators will develop a clearer understanding of actions required to support the sector or support or respond to issues in specific schools.</p> <p>There will remain the potential for unbudgeted costs to emerge. At this stage these cannot be quantified and are likely to vary over time.</p> <p>Ongoing, material budgetary impacts that cannot be managed through prioritisation and efficiencies would need to be considered through the usual budget processes.</p>

  
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 Date: 26/11/2028

  
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 Date: 1.12.2028